



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-087130-25

In the matter of: 202, 720 BRUCE AVE
SUDBURY ON P3C5C4

Between: Greater Sudbury Housing Corporation Landlord

And

Zane Pitawanakwat Tenant

Greater Sudbury Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Zane Pitawanakwat (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on February 4, 2026.

Only the Landlord's agent Melissa Chicoine attended the hearing. The Landlord called P.W. to testify.

As of 10:46 am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord applies to evict the Tenant based on a notice of termination given under section 66 of the *Residential Tenancies Act, 2006* (the 'Act') alleging the Tenant, another occupant of the rental unit or a person permitted in the residential complex by the Tenant seriously impaired the safety of another person because on September 26, 2025 a person carrying an imitation firearm was removed from the rental unit and arrested by police.
2. The Landlord's agent testified and showed me still images of surveillance footage of a person holding a purse containing a handgun in it. I was told the person was removed

from the rental unit and charged with possession of an imitation firearm. The surveillance footage shows the police interacting with the person in the hallway and the Tenant is also visible on the footage.

3. The Landlord's witness P.W., a security enforcement officer, had not personally observed any of the events of September 26, 2025 but had obtained his knowledge by speaking with police. He did not disclose what, if anything, he was using to refresh his memory as he gave detailed testimony that differed in material respects from that of the Landlord's agent and from the allegations in the notice of termination. He stated that two firearms were recovered and that the persons involved were charged with drug trafficking. The notice of termination does not refer to drugs and mentions only one imitation firearm. P.W.'s evidence had no probative value.
4. To succeed on the application, the Landlord must prove on a balance of probabilities that the Tenant "permitted" the person involved to enter the residential complex. Permission, like consent, involves a state of mind. It requires proof of knowledge on the part of the Tenant or another occupant that something is going to happen and a voluntary agreement that it happen. There must be some evidence from which the trier of fact can infer that the Tenant knowing admitted the person who impaired the safety of another person into the residential complex.
5. I find the application must be dismissed because the Landlord has failed to prove that the person carrying the imitation firearm was permitted into the residential complex by the Tenant. The Landlord's agent, who had not observed any of the events but had informed herself by speaking to the Landlord's security personnel, testified that the person with the imitation firearm was seen entering the rental unit and was later removed by police. Even if I were to admit this hearsay evidence and accept it as proof of the truth of its contents, I find it to be insufficient circumstantial evidence that the person with the imitation firearm was permitted into the residential complex within the meaning of section 66 of the Act. The fact that the Tenant is also seen in the surveillance footage is insufficient to prove on a balance of probabilities that she permitted the person with the imitation firearm into the residential complex or was complicit in any of the transactions or activities that occurred on September 26, 2025. In short, there was no cogent proof that the person with the imitation firearm was a guest of the Tenant.
6. I find the application must be dismissed because the Landlord has failed to prove on a balance of probabilities that the Tenant, or another occupant of the rental unit, or a person permitted in the residential complex by the Tenant seriously impaired the safety of any person.

It is ordered that:

1. The application is dismissed.

February 13, 2026
Date Issued

Nersi Makki
 Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.