



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Toronto Community Housing Corporation v Robinson, 2026 ONLTB 21856

Date: 2026-03-17

File Number: LTB-L-009454-25-RV

In the matter of: 13 OKRA Tomar Cres
North York ON M2J0G8

Between: Toronto Community Housing Corporation Landlord

and

Desmond Robinson
Mavis Baker Tenants

Review Order

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Desmond Robinson and Mavis Baker (the 'Tenants') because:

- the Tenants or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.
- the Tenants, another occupant of the rental unit or a person the Tenants 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 Tenants remained in the unit after the termination date.

This application was resolved by order LTB-L-009454-25 issued on August 21, 2025.

On August 29, 2025, the Tenants requested a review of the order and that the order be stayed until the request to review the order is resolved.

The request for review was granted by order LTB-L-009454-25-RV-IN2 and the new hearing of the L2 application was scheduled to another available date.

The new hearing was held by videoconference on February 26, 2026.

The Landlord's Legal Representative, Katarzyna Deptuch, the Tenants' Legal Representative, Rebecca Ward, and the Tenants attended the hearing. Chris Frazer ('CF'), Robert Whalen ('RW') and Carolyn Saunders ('CS') testified on behalf of the Landlord.

Determinations:

1. As explained below, I am satisfied on a balance of probabilities that the Tenants seriously impaired the safety of themselves and others and permitted someone to carry out an illegal act in the rental unit.
2. On January 21, 2025, the Landlord gave the Tenants an N6 Notice of Termination and an N7 Notice of Termination. The notices were sent by mail and, therefore, the notices are both deemed served on January 26, 2025. Both notices contain the allegation that in October 2024, Toronto Police Services executed a warrant to search the Tenants' unit and, during the search, the police seized firearms, ammunition, illegal drugs, and a substantial amount of cash.
3. CF is a detective constable with Toronto Police with the major crimes unit. He testified that they had been investigating an incident regarding a threat with a firearm and that investigation lead them to the Tenants' unit. He testified that their target in the investigation was seen coming and going from the rental unit on a daily basis and that is what lead to the search warrant executed at the rental unit on October 27, 2024.
4. CF testified that when police entered, several individuals in the rental unit fled but everyone was arrested. The police located 4 firearms in the rental unit; two were located in the living room in plain view where everyone had been congregated, one was in a kitchen cupboard, partially visible, and the fourth one was in a plastic bag in a bedroom. The police also seized illegal drugs and a large quantity of cash, which they believed was indicative of trafficking.
5. As a result of the search, the Tenant, Desmond Robinson ('DR') was arrested and charged. Also arrested and charged during the incident was Patrick Anderson ('PA'), who was also a tenant of the rental unit at the time of the incident.
6. DR does not dispute the incident, and it was undisputed that Mavis Baker ('MB') was not home at the time. She became aware of the incident after the fact. DR testified that the individuals were acquaintances that he has seen around the community, sometimes at BBQs, going to school or out with their children. He testified that when he was walking back from the convenience store that day, he had seen them playing basketball and stopped to chat with them. He recognized one of the men as someone who works with PA. He testified that they chatted about sports and since there was a Golden State Warriors game on later that night, he invited them over to watch it.
7. DR testified that when the individuals he invited over showed up later that evening, they had brought some others with him who he did not know. He let them in and within about 10 minutes, the police had shown up to execute the search warrant. He testified that he did not know that they had guns on them or he never would have let them into the rental unit. He testified that he was playing an online video game when they arrived and was focused on winning his game, so he did not see anything that was going on.
8. I don't find DR's explanation compelling or plausible. It is unlikely that these individuals were, in essence, strangers and the police just coincidentally obtained and executed a search warrant on a unit they were at for the first time to watch a basketball game. I also find it unlikely that DR was not aware of the firearms and what was going on in the rental

unit because he was playing video games. It does not seem likely to me that DR would have invited these individuals to his home and then proceeded to ignore them after they arrived to play a video game and was completely unaware of his surroundings as a result. Rather, the evidence suggests that DR was either aware of the firearms and what was transpiring or was wilfully blind to what was occurring within the living room.

9. For these reasons, I find, on a balance of probabilities, that DR permitted someone to carry out an illegal act in the rental unit and, consequently, placed other residents' safety at risk. Serious impairment of safety includes actual impairment and real risk of impairment; it is not necessary that anyone has actually been hurt or injured.¹ By having loaded firearms improperly carried and sitting in the rental unit, DR put others in the house and in the complex at risk of serious personal injury.

Relief from Eviction

10. The Landlord is seeking termination of the tenancy. RW, a Field Intelligence Officer with the Landlord, testified that he had reviewed the CCTV footage with police and this is a rental unit that had a high volume of people coming and going.
11. CS, the East Regional Tenancy Management Supervisor for the Landlord, testified that the Landlord has a zero-tolerance policy on guns and she continues to receive complaints of individuals outside playing music and hanging around so others in the community feel unsafe. RW testified that these were general complaints and not complaints directed specifically at these Tenants.
12. The Tenants are seeking to preserve the tenancy. DR states that he understands the severity of the situation and has learned from it. He testified that he has never been charged with any other criminal charges, he does not do drugs and would never intentionally jeopardize his mother's housing.
13. I accept that the Landlord has a zero-tolerance policy on guns and drugs and that this was a very serious situation. However, it was RW's evidence that she is not aware of any incidents with the Tenants' unit since October 2024 or any complaints about the Tenants. Although RW states she has heard from community members that they feel unsafe, none of those individuals told RW that it is because of these Tenants, and none of those individuals attended the hearing to give evidence on the impact on the community. Additionally, CS confirmed that DR was not the target of the investigation and all charges against DR have been stayed. It appears that the individual primarily responsible for attracting the issues to this rental unit was PA, and he no longer lives with the Tenants.
14. I have considered all of the disclosed circumstances in accordance with section 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to section 83(1)(a) and 204(1) of the Act.

¹ 276761 *Ontario Inc. v. Overall*, [2018 ONSC 3264](#)

It is ordered that:

1. The tenancy between the Landlord and the Tenants continues if the Tenants meet the conditions set out below.
2. For a period of 12 months ending on February 26, 2027, the Tenants shall not commit an illegal act or permit an occupant or invited guest to commit an illegal act in the rental unit or residential complex.
3. For a period of 12 months ending on February 26, 2027, the Tenants shall not seriously impair the safety of another person or permit an occupant or guest of the rental unit to seriously impair the safety of another person in the rental unit or residential complex.
4. If the Tenants fail to comply with the conditions set out in paragraphs 2 or 3 of this order, the Landlord may apply under section 78 of the Act for an order terminating the tenancy and evicting the Tenants. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the Board without notice to the Tenants.

March 17, 2026
Date Issued

Candace Aboussafy
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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