



Order under Section 69 Residential Tenancies Act, 2006

Citation: Macintyre v Folk, 2026 ONLTB 27069

Date: 2026-04-08

File Number: LTB-L-103590-25

In the matter of: 144 GRAND RIVER AVE
BRANTFORD ON N3T4X4

Between: Laurie Macintyre Landlord

And

Jeremy Folk Tenant

Laurie Macintyre (the 'Landlord') applied for an order to terminate the tenancy and evict Jeremy Folk (the 'Tenant') because:

- the Tenant 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 involving the production of an illegal drug, the trafficking in an illegal drug or the possession of an illegal drug for the purposes of trafficking.

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 23, 2026.

The Landlord's Agent and the Tenant attended the hearing.

Determinations:

1. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.

N6 Notice of Termination

3. On December 6, 2025, the Landlord gave the Tenant an N6 notice of termination deemed served on the same date with a termination date of December 16, 2025. The notice of termination alleges that on July 13, 2020 the Tenant committed manslaughter.
4. Although manslaughter would fall under Reason 2 on the Landlord's N6 notice of termination The Landlord indicates in their N6 notice of termination Reason 1, that the Tenant, an occupant of the rental unit has committed an illegal act, trade, business or occupation involving the production of an illegal drug or trafficking in an illegal drug or possession of an illegal drug for the purposes of trafficking in the rental unit or residential complex.
5. The Landlord's agent asserts that on July 13, 2020 the Tenant sold cocaine to an individual who later shared the illegal drug with two other individuals one of whom later passed away from the use of the drug. At the hearing, the Landlord's agent asserted that she learned of these events by reading articles in the newspaper. The Landlord's evidence was entirely reliant on hearsay evidence.
6. The Landlord relied solely on the hearsay evidence of newspaper articles and a copy of an indictment. While the *Statutory Powers Procedure Act, 1990*, permits administrative tribunals to allow hearsay evidence, in *Manikam V. Toronto Community Housing Corporation*, 2019 ONSC 2083, the Divisional Court found that tribunals must first assess whether the hearsay evidence is both necessary and reliable. In the present case the Landlord gave no reason for not producing direct evidence.
7. The *Manikam* case also held that "the relaxation of the rules of evidence does not relive an administrative decision-maker of the responsibility to assess the quality of the evidence received in a reasonable manner, in order to determine whether it can support the decision being made." [para. 36]
8. The Landlord's N6 Notice of Termination alleges that the illegal act committed by the Tenant was manslaughter, although reason one was selected being an illegal act, trade, business or occupation involving the production of an illegal drug or trafficking in an illegal drug or possession of an illegal drug for the purposes of trafficking.
9. Even if I am to accept the hearsay evidence of the newspaper articles The newspaper articles are not sufficient to prove that the Tenant committed manslaughter within the rental unit or residential complex. the Tenant sold an illegal substance to an individual who shared that substance with two other individuals at another location which resulted in one of those individuals passing away.
10. As such the Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

April 8, 2026

Date Issued

Sean Ramage

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.