



Order under Section 69 Residential Tenancies Act, 2006

Citation: St. Thomas Elgin - Social Services v Rapposelli, 2026 ONLTB 27274

Date: 2026-04-08

File Number: LTB-L-002022-26

In the matter of: 221, 200 CHESTNUT ST
ST THOMAS ON N5R5P3

Between: St. Thomas Elgin - Social Services

Landlord

And

Nicole Rapposelli

Tenant

St. Thomas Elgin - Social Services (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole Rapposelli (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.

This application was heard by videoconference on March 30, 2026.

Only the Landlord's agent, Gillian Renner ('GR'), attended the hearing.

As of 1:33 p.m., 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. As explained below, the Landlord has not proven on a balance of probabilities the grounds for termination of the tenancy. Therefore, the application is dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On January 6, 2026, the Landlord gave the Tenant an N6 notice of termination (the 'N6 Notice'). In the N6 Notice, the Landlord alleges that on December 15, 2026 the Tenant engaged in the sale of illegal drugs to another person in a common area of the residential complex.

4. At the hearing, GR entered a video captured by a security camera in the building as evidence (DOC-7234791). The video is date stamped on December 15, 2025.
5. GR referred me to the 17:00 mark of the video. The video is time stamped at 12:55:37 a.m. at the 17:00 mark.
6. In the video, a woman is seen sitting on a bench in the front lobby. Another person wearing a grey sweatsuit, enters the front lobby through a door, and GR identified this person as the Tenant. The Tenant is seen handing a small unidentified object to the woman on the bench, and the woman on the bench then hands the Tenant what appears to be cash.
7. GL believes the Tenant handed to the woman on the bench illegal drugs, but acknowledged that she cannot be certain of that.
8. This is the Landlord's application, and the Landlord therefore bears the burden of proof on a balance of probabilities.
9. To prove something on a balance of probabilities, one must present sufficient clear, convincing, and cogent evidence to establish that it is more likely than not that something happened or a fact is true: *FH v. McDougall*, 2008 SCC 53, paras 44-46.
10. The video presented depicts the Tenant exchanging something for money in the residential complex, but there was no cogent or convincing evidence to establish that what was exchanged for money was illegal drugs.
11. The Landlord therefore did not discharge its burden of proof relative to the lone allegation in the N6 Notice and the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

April 8, 2026

Date Issued

Mark Melchers

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.