



**Order under Section 69
Residential Tenancies Act, 2006**

File Number: LTB-L-092755-25

In the matter of: 610, 1175 MARITIME WAY
KANATA ON K2K0G4

Between: Killam Apartment REIT Landlord

And

Kyle Morgan Tenant

Killam Apartment REIT (the 'Landlord') applied for an order to terminate the tenancy and evict Kyle Morgan (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.

This application was heard by videoconference on March 2, 2026.

Only the Landlord's Legal Representative Donna M. Dames attended the hearing.

As of 9:45 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. As explained below, the Landlord has not proven on a balance of probabilities the ground for termination in the application. The application is therefore dismissed.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. On November 3, 2025, the Landlord gave the Tenant an N7 notice of termination. The notice alleges that the Tenant's dog attacked another person at the residential complex.
4. The Landlord filed no evidence in support of the allegation other than the N7 notice, the L2 application, and the certificate of service. No witness with firsthand knowledge of the alleged incident testified, and no documentary evidence such as an incident report, statement, photograph, video, or other supporting record was filed.

5. The Landlord's Legal Representative was not the person who received the original complaint and had no firsthand knowledge of the alleged incident. Their submissions were insufficient to establish the facts underlying the N7 notice.
6. The Tenant's failure to attend does not relieve the Landlord of its obligation to prove the application. On the evidence before me, I am not satisfied that 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.
7. Given the Landlord has therefore not met its evidentiary burden, the application must therefore be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

April 29, 2026
Date Issued

Kyle Anderson
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.