



Order under Section 69 Residential Tenancies Act, 2006

Citation: Kim v Grumm, 2026 ONLTB 35536

Date: 2026-05-01

File Number: LTB-L-017280-26

In the matter of: 121, 417 PORTAGE AVE
FORT FRANCES ON P9A2A1

Between: Byeong-Ok Kim Landlord

And

Melinda Grumm Tenants
Dana Fowler

Byeong-Ok Kim (the 'Landlord') applied for an order to terminate the tenancy and evict Melinda Grumm and Dana Fowler (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 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 26, 2026.

Only the Landlord attended the hearing.

As of 1:23p.m., the Tenants were 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's application is dismissed.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On February 15, 2026, the Landlord gave the Tenants an N6 notice of termination, pursuant to subsection 61(2)(a) of the *Residential Tenancies Act*, 2006 ('the Act'), with a termination of February 26, 2026. A summary of the allegations is that:

- On May 5, 2025, the Landlord had a discussion with the tenant, Dana Fowler, that the Tenants were permitting a well-known person who is known for drug trafficking to reside with them at the rental unit.
- On May 13, 2025, the tenant Dana Fowler, had overdosed, and the Landlord transported her to the emergency department. The Landlord indicated on the N6 Notice that the incident of May 13, 2025, "*is proof that illicit drug uses on the property*" and referenced that the Tenant continuously allows prohibited persons who are drug dealers on the property. The Landlord further mentioned that the activity can easily become a fire hazard and disturbs other tenants.
- On June 19, 2025, a person named Johny Bang had cut "snuff's" wrist with a samurai sword at the rental unit. This incident was related to drug matters.
- On February 3, 2026, the Tenants were charged with possession for the purposes of trafficking methamphetamine.

4. Subsection 61 of the Act reads:

61 (1) A landlord may give a tenant notice of termination of the tenancy if the tenant or another occupant of the rental unit commits an illegal act or carries on an illegal trade, business or occupation or permits a person to do so in the rental unit or the residential complex

(2) A notice of termination under this section shall set out the grounds for termination and shall provide a termination date not earlier than,

(a) the 10th day after the notice is given, in the case of a notice grounded on an illegal act, trade, business or occupation involving,

(i) the **production** of an illegal drug,

(ii) the **trafficking** in an illegal drug, or

(iii) the **possession of an illegal drug for the purposes of trafficking**; or

(b) the 20th day after the notice is given, in all other cases.

[Emphasis Added]

5. The definition of illegal drug subsection 61(3) of the Act states that an illegal drug means a controlled substance or precursor as those terms are defined in the *Controlled Drugs and Substances Act* (CDSA). Guideline No. 9 also indicates that the CDSA mentions that a "controlled substance" refers to those substances included in Schedule I, II, III, IV or V in the CDSA (such as Cannabis or Opium), and that "precursor" refers to a substance found in Schedule VI of that Act (such as Ephedrine).
6. With respect to the definitions of production, trafficking, and possession, subsection 61(3) of the Act further indicates that all these terms all have the same meaning within the CDSA. Guideline No. 9 references that in the CDSA:

- “Produce” means in respect of a substance included in Schedule I to IV of that act, to obtain the substance by any method or process including manufacturing, synthesizing or using any means of altering the chemical or physical properties of the substance, or cultivating, propagating, or harvesting the substance or any living thing from which the substance may be extracted or otherwise obtained, and includes the offer to produce.
 - “Trafficking” means in respect of a substance in Schedule I to IV, to sell, administer, give, transfer, transport, send or deliver the substance, to sell an authorization to obtain the substance, or to offer to do either of the above.
 - “Possession” carries the same meaning as defined under subsection 4(3) of the *Criminal Code*, which states that, a person has anything in possession when he has it in his personal possession or knowingly, has it in the actual possession or custody of another person, or has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or another person, and where one of two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.
7. Neither the Act, nor the CDSA define “possession for the purposes of trafficking”, however, Guideline No. 9 indicates that possession for the purposes of trafficking may be inferred from the surrounding circumstances. For example, where the police find a large quantity of drugs, cash and weigh scales.
 8. At the hearing, the Board raised a preliminary issue with respect to the validity of the N6 Notice termination. Subsection 43(2) of the Act requires that if a notice is given by a landlord, it shall set out the reason and details respecting the termination. Similarly, subsection 61(2) of the Act, references that the notice of termination shall set out the grounds for the termination of the tenancy. The Divisional court in *Ball v. Metro Capital Property*, [2002] O.J. No. 5931 (“*Ball*”), clarified that the particulars that notices of termination should include are dates and times of the alleged offensive conduct together with a detailed description of the alleged conduct engaged by the tenant(s).
 9. There were no detailed particulars provided in the N6 Notice that disclosed whether the Tenants or another occupant of the rental unit was engaged in either “production”, “trafficking”, or “possession for the purposes of trafficking” at the rental unit/residential complex. In other words, there was no specific incident that was provided in the N6 notice that went towards the grounds for the termination of the tenancy under subsection 62(2)(a) of the Act. The Landlord’s allegations from May 5, 2025, to June 19, 2025, that the Tenants engaged in illegal acts involving illegal drugs (either production”, “trafficking”, or “possession for the purposes of trafficking) was entirely based on speculation. I am mindful that the Landlord referenced that the Tenants were charged with possession for the purposes of trafficking (methamphetamine) to support their ground for the termination of the tenancy. However, this reference to the charge itself is not sufficient. This is because no specific details/facts were provided in relation to the Tenants conduct that gave rise to them being charged with this offence. It was also unclear, whether the Tenants were charged for committing this offence at the rental unit or residential complex.
 10. For all the above noted reasons, the Board is satisfied that the N6 Notice is invalid.

11. Accordingly, the Landlord's application is dismissed.

12. This order contains all the reasons for my decision within it. No further reasons shall be issued.

It is ordered that:

1. The Landlord's application is dismissed.

May 1, 2026
Date Issued

Inderdeep Padda
Member, Landlord and Tenant Board

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