



Order under Section 69 Residential Tenancies Act, 2006

Citation: Esquire Investments (Sarnia) Ltd. v Quaid, 2026 ONLTB 38881

Date: 2026-05-15

File Number: LTB-L-021669-26

In the matter of: Upper, 358 Wellington Street
Sarnia ON N7T1H6

Between: Esquire Investments (Sarnia) Ltd. Landlord

And

Terri Lynn Quaid Tenants
James Smith
Dwayne Smith

Esquire Investments (Sarnia) Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Terri Lynn Quaid, James Smith and Dwayne Smith (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 May 12, 2026.

The Landlord, Richard Lalonde and a support person for the Landlord, Christopher Roundbell attended the hearing.

The Tenants 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. Therefore, the application is dismissed.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. On March 7, 2026, the Landlord gave the Tenants an N6 notice of termination. The notice of termination contains the allegation that Sarnia Police Services Drug Enforcement Division raided the rental unit resulting in an arrest of nine individuals.

Landlord's Evidence

4. The Landlord testified sometime in the late evening of March 5, 2026, he received a call from a police officer who had left him a message regarding a raid at the rental unit.
5. He testified he called the police officer back and the police told him that they had conducted a search at the rental unit, however, he states the police officer told him that he could not provide him any further details other than an incident number, SA26006244.
6. He testified that he found out through a news media outlet online that three people had been arrested at the rental unit.
7. He testified he applied for a release of information; however, his request was denied.
8. He testified he believes the rental unit had been under surveillance by the police.
9. He testified that other Tenants were complaining about how many people were coming and going from the rental unit in day. He provided a written statement from a neighbour that lives behind the residential complex that states that over the past two to three years, this person has observed consistent and ongoing foot traffic to and from the rental unit at all hours of the day and night. It further states that individuals frequently enter and exit the unit via the exterior stairs, including during early morning, evening, and overnight hours. It states this person has repeatedly observed individuals carrying backpacks or personal items when entering the unit. DOC-7871236.
10. He testified to the best of his knowledge the Tenants were not arrested on March 5, 2026.

Tenant's Evidence

11. The Tenants testified the police had come to the rental unit on March 5, 2026, and they did not find anything concerning to them at the rental unit.
12. The Tenants testified there was some confusion when the police arrived as the search warrant was not in the Tenants name.
13. The Tenants state there are 4-6 people residing at the rental unit at any given time, and they each have friends that come and visit, therefore, there are individuals coming and going from the rental unit often.
14. The Tenants testified during the search warrant there were a couple of their friends that were visiting that were arrested on outstanding warrants and later released the same day.

Analysis

15. The Landlord has failed to meet their burden of proof as he has provided no direct evidence of the alleged illegal act, relying only on speculation and suspicion.

16. The Landlord did not provide any evidence of what occurred on March 5, 2026, and only provided an occurrence number. The Landlord did not summons the police officer who conducted the search warrant to provide testimony at the hearing.
17. While I accept the neighbour that lives behind the residential complex states that there is consistent and ongoing foot traffic to and from the rental unit at all hours of the day and night, and, that individuals frequently enter and exit the unit via the exterior stairs, including during early morning, evening, and overnight hours and has repeatedly observed individuals carrying backpacks or personal items when entering the unit. This is insufficient to establish that the Tenants have committed an illegal act on March 5, 2026.
18. The Landlord did not prove the Tenants or someone living with the Tenants have committed an illegal act, trade, business or occupation involving the production of an illegal drug, trafficking in an illegal drug or possession of an illegal drug for the purposes of trafficking in the rental unit or residential complex.

It is ordered that:

1. The Landlord's application is dismissed.

May 15, 2026
Date Issued

Trish Carson

Member, Landlord and Tenants 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.