



Order under Section 69 / 88.2 Residential Tenancies Act, 2006

Citation: Pandey v Namie, 2026 ONLTB 40953

Date: 2026-05-28

File Number: LTB-L-013147-26

In the matter of: 2 Cosbury Lane
Caledon ON L7C4H2

Between: Awdhesh Pandey
Seema Kumari
Avanish Kumar Pandey

Landlords

And

Gabriel Namie
Kevin Martin
Tatiana Goncalves

Tenants

Awdhesh Pandey, Seema Kumari and Avanish Kumar Pandey (the 'Landlords') applied for an order to terminate the tenancy and evict Gabriel Namie, Kevin Martin and Tatiana Goncalves (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.

Awdhesh Pandey, Seema Kumari and Avanish Kumar Pandey (the 'Landlords') applied for an order requiring Gabriel Namie, Kevin Martin and Tatiana Goncalves (the 'Tenant') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on May 21, 2026.

The Landlords, Awdhesh Pandey and Seema Kumari, The Landlord's legal representative, Uzma Khan, and the Tenants, Kevin Martin and Tatiana Goncalves, attended the hearing.

Determinations:

1. The Landlords' application is dismissed for the reasons set out below.

2. On January 25, 2026, the Landlords served the Tenants with a Notice of Termination (N6 Notice) alleging that the Tenants, or another occupant of the rental unit, committed an illegal act or carried out, or permitted someone to carry out, an illegal trade, business, or occupation in the rental unit or residential complex involving the production, trafficking, or possession for the purposes of trafficking of an illegal drug.
3. For the following reasons, I find that the Notice of Termination fails to properly identify the alleged illegal act or illegal business and does not provide the details required by section 43(2) of the Residential Tenancies Act, 2006 (the 'Act').
4. The Notice of Termination states that on November 4, 2025, the Landlords' property "got raided by Caledon OPP due to illegal act on the property." It further states that drywall was broken by police in their search for "illegal material."
5. The N6 Notice does not identify the specific illegal act or illegal business alleged. It also does not identify any activity involving the production, trafficking, or possession for the purposes of trafficking of an illegal drug. General statements that an "illegal act" occurred or that police searched for "illegal material" are insufficient. These statements provide no particulars that would allow the Tenants to know the case to be met or to prepare a defence.
6. In *Ball v Metro Capital Management Inc.* [2002] OJ No 5931 (Div Ct) ('*Ball v Metro*'), the Divisional Court considered subsection 43(2) of the Act and found that the requirement to provide reasons and details in a notice is intended to:
 - a) enable the tenant to know the case to be met;
 - b) allow the tenant to decide whether to dispute the allegations; and
 - c) in the case of a voidable notice, allow the tenant to stop the conduct or correct the omission.
7. The Court in *Ball v Metro* further stated (at paras. 10 and 12) that, to comply with subsection 43(2), a notice should include dates and times of the alleged conduct together with a detailed description of that conduct.
8. Providing sufficient details is particularly important for serious notices such as an N6 alleging production or trafficking of illegal drugs where the Tenants are only provided with 10 days' notice from the date of service to the termination date on the notice.
9. I find that the Notice of Termination is defective. It does not merely lack sufficient detail; it fails to identify the essential elements of the alleged ground. The Notice does not identify any qualifying illegal act, trade, or business involving the production, trafficking, or possession for the purposes of trafficking of an illegal drug, and it lacks sufficient particulars for the Tenants to know the case against them.
10. The Board cannot grant an eviction based on a defective notice. Accordingly, the application must be dismissed.
11. On their application, the Landlords also sought compensation for out-of-pocket expenses related to alleged unpaid utilities under the tenancy agreement.

12. The Landlords' representative did not advance this claim at the hearing or present evidence in support of it. Accordingly, I make no findings with respect to the utilities claim.

It is ordered that:

1. The Landlords' application is dismissed.

May 28, 2026
Date Issued

Melissa Anjema
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.