



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-067828-25/LTB-L-068454-25

In the matter of: Upper, 5 ALEXANDER ST
BRAMPTON ON L6V1H7

Between: Jenefer Carranza Landlord
Darren Konkel

And

Wesley Durette Tenant

Jenefer Carranza and Darren Konkel (the 'Landlord') applied for an order to determine whether the Act applies (A1 application). The Landlord also applied for an order because the Tenant did not pay the rent that the Tenant owes (L1 application).

This application was heard by videoconference on December 9, 2025.

Only the Landlords and the Landlords' legal representative Julia Macdonald attended the hearing.

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. Ms. Carranza testified that she entered into a lease agreement, along with Mr. Konkel, to rent the property located at 5 Alexander Street, Brampton, Ontario, L6V 1H7. The lease was executed with the owner of the property, Wenli Zheng, and a copy of the lease agreement was entered into evidence.
2. After taking possession of the rental unit, Ms. Carranza met Mr. Durette and permitted him to occupy the upper portion of the house for \$1,000.00 per month. The upper level includes a bathroom but does not have a kitchen, stove, or laundry facilities. At no point since the commencement of the tenancy did Ms. Carranza or Mr. Konkel vacate the rental unit.

Analysis

3. For the purposes of proceedings before the Board, an occupant is generally understood to be a person who is not a tenant but resides in a rental unit as their principal place of residence. An occupant may be authorized or unauthorized depending on the circumstances of each case. The *Residential Tenancies Act* (the Act) does not provide a clear definition of occupant.
4. Similarly, the Act does not define roommate. A roommate is typically a person who, like an occupant, shares a room or rental unit with a tenant but is not a tenant themselves.
5. Both occupants and roommates live in the rental unit at the invitation and discretion of the tenant and under the terms of the tenancy agreement. They do not have a contractual relationship with the landlord, even if they pay a fee to the tenant or subtenant for residing in the unit. As such, an occupant or roommate cannot file an application at the Landlord and Tenant Board against either the landlord or the tenant.
6. A finding that an individual is an occupant or roommate means that they have no rights or protections under the Act in proceedings before the Board.
7. Based on Ms. Carranza's evidence, I am satisfied that the Act does not apply to Mr. Durette in this context, as he is an occupant and/or roommate. There was no assignment or sublet of the tenancy because Ms. Carranza and Mr. Konkell continued to reside in the rental unit throughout.
8. As a result, there is no jurisdiction for the Board to determine an application brought by Ms. Carranza and Mr. Konkell against Mr. Durette.

It is ordered that:

1. The Act does not apply to the arrangement between Ms. Carranza, Mr. Konkell, and Mr. Durette.
2. The L1 application is dismissed.

January 8, 2026

Date Issued

Brett Lockwood

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.