



Order under Section 100 Residential Tenancies Act, 2006

File Number: LTB-L-034541-25

In the matter of: 90 Arbour Glen Crescent
London Ontario N5Y1Z9

Between: Euro Properties Landlord

And

Elsie Magee Tenant

And

Jason Thomas Magee Unauthorized Occupant

Euro Properties (the 'Landlord') applied for an order to terminate the tenancy of Elsie Magee (the 'Tenant') and evict Jason Thomas Magee (the 'Unauthorized Occupant') because the Tenant transferred occupancy of the rental unit to the Unauthorized Occupant without the Landlord's consent. The Landlord also applied for compensation by the Unauthorized Occupant for the use of the rental unit.

This application was heard by videoconference on November 24, 2025.

The Landlord's agent, Tomas Soural,, and the Unauthorized Occupant attended the hearing.

Determinations:

REASON 1: UNAUTHORIZED TRANSFER OF OCCUPANCY

1. The Tenant transferred the occupancy of the rental unit to the Unauthorized Occupant in a manner that was not authorized by the *Residential Tenancies Act, 2006* (the 'Act'). The Landlord did not enter into a tenancy agreement with this person. The Landlord had entered into an agreement with the Unauthorized Occupant's Mother, the Tenant, however, she passed away February 1, 2022 and the unauthorized occupant has continued to live there since.
2. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.
3. The application was not filed within 60 days after the Landlord discovered the unauthorized occupancy and therefore, the unauthorized occupant has become a legal tenant. The Landlord testified that they discovered the unauthorized occupant March 1, 2025. However, the unauthorized occupant did not agree with this position and adduced

evidence at the hearing, in the form of an N4 notice dated back to 2019 and an N1 noticed dated back to 2023, in which the Landlord had named the unauthorized occupant as a legal tenant.

4. Furthermore, the unauthorized occupant submitted into evidence a signed statement by Marissa, who was previously an agent of the Landlord, in which the letter stated that the Landlord was aware that the unauthorized occupant was living in the rental unit after his Mother (the Tenant) had passed away.
5. On a balance of probabilities, I am not satisfied that the Landlord discovered the unauthorized occupant less than 60 days ago. The N4 notice from 2019 and the N1 notice from 2023 had named Jason Thomas Magee as a legal tenant. Also, the letter from a former agent of the Landlord, that was responsible for collecting rent, also agreed that the unauthorized occupant was a legal tenant.

It is ordered that:

1. The Landlord's application is dismissed. The unauthorized occupant has become a legal tenant under the Act.

January 12, 2026

Date Issued

Vishal Nanda

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.