



Order under Section 100 Residential Tenancies Act, 2006

File Number: LTB-L-040139-25

In the matter of: 118 Patricia Avenue
Toronto Ontario M2M1J4

Between: Toberdev Investments Inc. Landlord

And

Mary-Lou Doreen Vartiamaki Tenant

And

Graham Ossi Vartiamaki Unauthorized Occupant

Toberdev Investments Inc. (the 'Landlord') applied for an order to terminate the tenancy of Mary-Lou Doreen Vartiamaki (the 'Tenant') and evict Graham Ossi Vartiamaki, (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 December 4, 2025.

The Landlord's agent, Eddie Lee, the Landlord's legal representative, Mark Ciobotaru, and the Unauthorized Occupant, attended the hearing.

At the hearing, the parties requested the following order on consent. I am satisfied that the parties understood the consequences of their joint submissions.

Determinations:

1. The Tenant did transfer 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.
2. The Tenant passed away on March 7, 2025 and they are the mother of the Unauthorized Occupant. Accordingly, the tenancy terminated on April 6, 2025, which is 30 days after their passing.
3. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.

4. The application was filed within 60 days after the Landlord discovered the unauthorized occupancy on May 5, 2025.

Daily Compensation

5. The Landlord is entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupant.
6. The Unauthorized Occupant owes the Landlord \$14,321.56 in daily compensation for use and occupation of the rental unit for the period from April 7, 2025 to the December 4, 2025.
7. Based on the Monthly rent, the daily compensation is \$59.18. This amount is calculated as follows: \$1800.00 x 12 months, divided by 365 days.
8. Since the Landlord became aware of the Unauthorized Occupant, the Tenant and/or the Unauthorized Occupant paid the Landlord \$0.00 in compensation for use of the rental unit.
9. The Landlord incurred costs of \$201.00 for filing the application and are entitled to reimbursement of those costs.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to postpone the eviction until January 31, 2026, pursuant to subsection 83(1)(b) of the Act.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated.
2. The Unauthorized Occupant shall move out of the rental unit on or before January 31, 2026.
3. If the unit is not vacated by January 31, 2026, then starting February 1, 2026, the Landlord may file this order with the Court Enforcement Office (the Sheriff), so that the eviction may be enforced.
4. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord after February 1, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$14,321.56 which represents daily compensation for the use of the rental unit from April 7, 2025 to the December 4, 2025.
6. The Unauthorized Occupant shall also pay to the Landlord \$59.18 per day for compensation for the use of the unit from December 5, 2025 to the date they move out of the unit.
7. The Unauthorized Occupant shall also pay the Landlord \$201.00 for the cost of filing the application.

8. The Unauthorized Occupant shall pay the Landlord the full amount owing by January 31, 2026.
9. If the Unauthorized Occupant does not pay the Landlord the full amount owing by January 20, 2026 they will owe interest. This will be simple interest calculated from February 1, 2026 at 4.00% on the outstanding balance.

January 9, 2026
Date Issued

Terri van Huisstede
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on August 1, 2026 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.