



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-082208-25

In the matter of: 310, 1154 WILSON AVE
NORTH YORK ON M3M1J6

Between: DIS - Wilson Landlord

And

Anderson Julien Tenant
Joselle Julien

DIS - Wilson (the 'Landlord') applied for an order to terminate the tenancy and evict Anderson Julien (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 22, 2025.

The Landlord's Legal Representative, Emily Barbat, and the Tenant, Joselle Julien, attended the hearing.

Determinations:

Preliminary Issue: Joselle Julien is a Tenant

1. At the outset of the hearing, the Tenant JJ raised the issue that she was not listed as a Tenant on the N4 or on the lease.
2. JJ testified that the lease was signed on January 1, 2010 by her husband AJ and she was listed as an occupant on the lease despite being AJ's wife. On September 1, 2018, AJ had to vacate the unit due to domestic violence, and JJ has been living in the unit since paying the rent, utilities and communicating with the Landlord. JJ sought to be identified as a Tenant as the Landlord is charging her \$50.00 per month for a parking space despite not having a vehicle since AJ vacated the unit. JJ testified that she told the Landlord that AJ does not live in the rental unit and has not for some time, but the Landlord said only a tenant on the lease can seek to remove the ongoing fee.
3. Section 100 and 104 of the *Residential Tenancies Act, 2006* (the 'Act') requires a landlord to apply to the Board for an order evicting an unauthorized occupant within 60 days of becoming aware that a tenancy has transferred. A failure to file within 60 days deems the unauthorized occupation to be an assignment of the rental unit with the landlord's consent

4. I find that JJ told the Landlord that AJ (the tenant) vacated the rental unit 7 years ago, and the Landlord knew that JJ remained in the unit and failed to bring an order evicting an unauthorized occupant within 60 days. The result was that her occupancy was deemed to be an assignment and JJ therefore became a tenant after that time period.
5. In the alternative, pursuant to section 3(2) of Ontario Regulation 516/06, if a tenant vacates a rental unit without giving a notice of termination under the Act and without entering into an agreement to terminate the tenancy, and the rental unit is the principal residence of the spouse of that tenant, the spouse is included in the definition of "tenant" in subsection 2 (1) of the Act
6. The Landlord provided no information at the hearing about whether JJ should not be identified as a Tenant. The Landlord did not seriously challenge JJ's evidence that they informed the Landlord that AJ had vacated the rental unit in 2018 and that they intend to remain in the unit.
7. I find that JJ was a spouse of AJ, who was listed on the lease as a tenant, and that she has been living in the rental unit without AJ since September 1, 2018. I also find that JJ notified the Landlord previously that AJ had vacated and no longer lived in the unit. I am satisfied on a balance of probabilities that JJ is a tenant of the rental unit as she was a spouse that continued to reside in the rental unit as her principal residence after AJ vacated the rental unit without giving notice of termination.
8. Therefore, I have added JJ as a Tenant on the application.

Preliminary Issue: Validity of N4 Notice of Termination:

9. As JJ is a tenant pursuant to Ontario Regulation 516/06, she should have been listed as a Tenant on the N4 notice of termination, however she was not.
10. While JJ actually received notice of the hearing, the N4 is defective and therefore the Landlord's eviction application must be dismissed. I am not satisfied that the N4 is substantially compliant under section 212 of the Residential Tenancies Act, 2006 (the 'Act'). In my view, failing to identify a tenant on the N4 would cause substantial prejudice to that tenant.
11. In addition, given my findings above about the transfer of occupancy and deemed assignment, the Landlord knew or ought to have known that AJ was no longer a tenant, and thus he should not have been included on the N4.

It is ordered that:

1. The Landlord's application is dismissed without prejudice.

January 15, 2026
Date Issued

Allana McComb
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.