



Order under Section 69 Residential Tenancies Act, 2006

Citation: Anand v Fulton, 2026 ONLTB 3377

Date: 2026-01-12

File Number: LTB-L-091319-24 & LTB-L069189-24

In the matter of: 2640 Credit Valley Road
Mississauga Ontario L5M4J6

Between: Davinder Partap Anand Landlord

And

Estate of Desiree Fulton Tenant

Davinder Partap Anand (the 'Landlord') applied for an order to terminate the tenancy and evict the Estate of Desiree Fulton (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application);
- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year (L2 Application).

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

Davinder Pratap Anand (the 'Landlord') also applied for an order requiring the Estate of Desiree Fulton (the 'Tenant') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was heard by videoconference on January 8, 2025 and March 26, 2025.

The Landlord's Representative, Raman Anand, the Landlord, and Rebecca Foster ('RF') attended the hearing.

History of Proceedings:

1. On January 8, 2025, the hearing was adjourned due to insufficient time to complete it. At that hearing, RF explained that she is the Tenant's daughter and that the Tenant passed away on December 19, 2024. RF stated that she lives in the rental unit.

2. RF is not the Executor of the Tenant's estate. The initial Estate Trustee declined the position, and RF provided a second Estate Trustee name to the Board, Stephen Foster ('SF'), who is also RF's father. RF stated that SF was aware of these Board proceedings but was not aware he would be required to make submissions.
3. On January 24, 2025, an Interim Order was issued combining LTB-069189-24 (L2) and LTB-L-091319-24 (L1) and ordering that RF serve the Tenant's Estate Trustee/Executor a copy of the new Notice of Hearing, the application, and the Interim Order as soon as reasonably possible once RF receives the Notice of Hearing from the LTB.
4. On March 26, 2025, the combined files were heard. SF was not present at the hearing, though RF confirmed she served him with a Notice of Hearing. RF stated that he possibly had health issues and may have been in the hospital. RF also claimed that SF lives in the unit as well.
5. The Landlord also filed an A2 application (LTB-L-017320-25) seeking to terminate the tenancy and evict RF and SF from the rental unit as Unauthorized Occupants. At the L1/L2 hearing on March 26, 2025, the parties were given the opportunity to have the A2 application heard before me, but they declined and chose to have the unauthorized occupancy issue determined through the separate application at a later date.
6. The A2 application was then initially heard on August 11, 2025 before a different Member, and an order was issued on August 15, 2025. The order was reviewed, and a de novo hearing was held on December 16, 2025, again before a different Member. The order for that hearing was recently issued on January 9, 2026, finding that the Tenant transferred the occupancy of the rental unit to the Unauthorized Occupants in a manner that was not authorized by the Act. The tenancy between the Landlord and Tenant was consequently deemed terminated as of January 18, 2025, and RF and SF are to vacate the unit on or before January 20, 2026.
7. Whether RF and SF are Unauthorized Occupants was an issue that directly affected the two applications before me. If RF and SF were confirmed to be Unauthorized Occupants, they could not also be lawful tenants of the rental unit. Therefore, I found it appropriate in the circumstances to issue an interim order on October 2, 2025, stating that I would await the completion of the review proceeding for LTB-L-017320-25 before issuing my order to ensure consistent findings by the Board. As the parties agreed to have the A2 application heard separately by another Member, they are bound by that Member's de novo findings in the order issued on January 9, 2026. The unauthorized occupancy issue has thus been determined, and those findings will be respected in this order.

Determinations:

L2 Application:

8. At the January 8, 2025 hearing, the Landlord indicated that they did not want to enter into a new tenancy with RF. However, since the Tenant passed away, the issue of eviction was moot, and the Landlord stated they would also not proceed with the damages claim in the

L2 application. The Landlord thus requested the L2 application be withdrawn, and the request was granted.

L1 Application:

9. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
10. The Tenant was in possession of the rental unit on the date the application was filed.
11. The Landlord discovered on January 8, 2025 that the Tenant passed away on December 19, 2024. Per section 91 of the *Residential Tenancies Act, 2006* (the 'Act') and Board order LTB-L-017320-RV, the tenancy is deemed terminated 30 days after the death of the Tenant on January 18, 2025. Rent arrears are calculated up to the date the tenancy terminated.
12. The lawful rent is \$2,200.00. It was due on the 1st day of each month.
13. The Tenant has not made any payments since the application was filed.
14. The rent arrears owing to January 18, 2025 are \$10,301.94.
15. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
16. The Landlord collected a rent deposit of \$1,525.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
17. Interest on the rent deposit, in the amount of \$501.22 is owing to the Tenant for the period from September 29, 2006 to January 18, 2025.

It is ordered that:

1. The L2 Application is withdrawn.
2. With respect to the L1 Application, the tenancy between the Landlord and the Tenant is terminated as of January 18, 2025, per subsection 91(1) of the Act and Board order LTB-L-017320-25-RV.
3. The Tenant shall pay to the Landlord \$8,476.72. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.

4. If the Tenant does not pay the Landlord the full amount owing on or before January 23, 2026, the Tenant will start to owe interest. This will be simple interest calculated from January 24, 2026 at 4.00% annually on the balance outstanding.

January 12, 2026

Date Issued

Fotoula Hatzantonis

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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Date Tenancy Deemed Terminated	\$10,301.94
Application Filing Fee	\$201.00
Less the amount of the last month's rent deposit	- \$1,525.00
Less the amount of the interest on the last month's rent deposit	- \$501.22
Total amount owing to the Landlord	\$8,476.72