



Order under Section 31 and 135 Residential Tenancies Act, 2006

File Number: LTB-T-035128-25

In the matter of: Room B, 305, 321 LESTER ST
WATERLOO ON N2L3W6

Between: Andrew Joseph Tenant

And

Huzaifa Khan Landlord

Andrew Joseph (the 'Tenant') applied for an order determining that Huzaifa Khan (the 'Landlord'):

- entered the rental unit illegally.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.
- **This is the T2 application.**

Andrew Joseph (the 'Tenant') also applied for an order determining that Huzaifa Khan (the 'Landlord') collected or retained money illegally. **This is the T1 application.**

These applications were heard by videoconference on January 14, 2026.

Only the Tenant attended the hearing.

As of the time the matter was called, the Landlord 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 Tenant's evidence.

Determinations:

1. For the reasons that follow, I find the Act does not apply and the application must be dismissed.

Preliminary issue: Does the Act apply?

2. The application before the Board, on its face, raises the preliminary issue of whether the Act applies. As such, I proceeded to hear the evidence with respect to this issue.
3. AJ testified that the residential complex was a five-bedroom apartment in which he rented a room. He signed a tenancy agreement with the 'Landlord' who he later learned was the

actual tenant of the rental unit. AJ confirmed that at no time during his tenancy did his 'landlord' live in the residential complex. A copy of the lease agreement was submitted into evidence¹ showing the tenancy began on September 1, 2024 for a fixed term of August 27, 2025 and the rent was \$995.00 plus utilities

4. AJ testified that in April 2025, he learned that his landlord was not the actual Landlord of the property and had rented the rooms out to different people. The actual Landlord was unaware of this fact and required all the occupants to vacate the rental unit; he complied and moved out on April 14, 2025.
5. Section 2 of the Act describes a Landlord as follows:
 - (a) the owner of a rental unit or any other person who permits occupancy of a rental unit, other than a tenant who occupies a rental unit in a residential complex and who permits another person to also occupy the unit or any part of the unit,
 - (b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and
 - (c) **a person, other than a tenant occupying a rental unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent; ("locateur")**

Emphasis added.

6. Based on this definition, I do not find the named Landlord in this application constitutes a Landlord under the *Residential Tenancies Act, 2006*.
7. The Act also contemplates subtenancies and requires the following criteria to be met in these arrangements (see subsection 2(2) and 97):
 - The head tenant must vacate unit;
 - The right of occupancy must be for a term ending on a specific date
 - The head tenant must have the right to resume occupancy and
 - the Landlord must consent to this arrangement.
8. It is evident that the last criteria was not met in this situation as the actual Landlord and owner of the property did not provide consent for the Tenant, HK, to sublet the property. Therefore, I do not find this arrangement is covered under the act as a subtenancy.
9. Given the above reasons I find the Act does not apply to the relationship between AJ and HK and AJ's application must be dismissed.
10. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

¹ 5533299

It is ordered that:

1. The *Residential Tenancies Act, 2006* does not apply.
2. The Tenant's application must be dismissed.

January 22, 2026

Date Issued

Sonia Anwar-Ali

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.