



Order under Section 100 Residential Tenancies Act, 2006

Citation: Capreit Limited Parntership v Latii, 2026 ONLTB 8005

Date: 2026-01-27

File Number: LTB-L-077224-25

In the matter of: TH11, 33 Eastmount Avenue
Toronto Ontario M4K1V3

Between: Capreit Limited Parntership Landlord

And

Valentyn Latii Tenants
Vadym Safonov
Olena Yakiminska

And

Unknown Occupant(s) Unauthorized Occupants

Capreit Limited Parntership (the 'Landlord') applied for an order to terminate the tenancy of Valentyn Latii, Vadym Safonov and Olena Yakiminska (the 'Tenants') and evict Unknown Occupant(s), (the 'Unauthorized Occupants') because the Tenants transferred occupancy of the rental unit to the Unauthorized Occupants without the Landlord's consent. The Landlord also applied for compensation by the Unauthorized Occupants for the use of the rental unit.

This application was heard by videoconference on January 21, 2026. Only the Landlord's Agent, Juliana Corcoz, attended the hearing.

As of 9:36 a.m., neither the Tenants nor the Unauthorized Occupant/Subtenants were 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 Landlord's evidence.

Determinations:

1. The Tenants 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.
2. The Landlord's Agent testified that on July 31, 2025, she attended the rental unit to conduct a move out inspection with the Tenants. However, the Tenants were not there, but a group of people who the Landlord did not have a lease or tenancy with were living in the apartment.

3. The Unauthorized Occupants were in possession of the rental unit on the date the application was filed. They continue to occupy the rental unit as of the date of the hearing.
4. The application was filed within 60 days after the Landlord discovered the unauthorized occupancy. The Landlord's Agent found the Unauthorized Occupants in possession of the rental unit on July 31, 2025. The Landlord's application was filed on September 5, 2025. Therefore, the Landlord's application was made within 60 days as required by s. 100(2) of the

Daily Compensation

5. The Landlord is entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupants.
6. The Unauthorized Occupant owes the Landlord \$22,970.50 in daily compensation for use and occupation of the rental unit for the period from July 31, 2025, to the January 21, 2026.
7. Based on the Monthly rent, the daily compensation is \$131.26. This amount is calculated as follows: $\$3992.37 \times 12 \text{ months}$, divided by 365 days.
8. Since the Landlord became aware of the Unauthorized Occupant, the Tenants and/or the Unauthorized Occupants paid the Landlord \$0.00 in compensation for use of the rental unit.

Section 83 Considerations

9. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Landlord is not aware of any reasons to delay or deny an eviction.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated.
2. The Unauthorized Occupants shall move out of the rental unit on or before February 7, 2026.
3. If the unit is not vacated by February 7, 2026, then starting February 8, 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 8, 2026.
5. The Unauthorized Occupants shall pay to the Landlord \$22,970.50 which represents daily compensation for the use of the rental unit from July 31, 2025, to the January 21, 2026.

6. The Unauthorized Occupants shall also pay to the Landlord \$131.26 per day for compensation for the use of the unit from January 22, 2026, to the date they move out of the unit.
7. The Unauthorized Occupant/Tenants shall pay the Landlord the full amount owing by February 7, 2026.
8. If the Unauthorized Occupant/Tenants do not pay the Landlord the full amount owing by February 7, 2026 they will owe interest. This will be simple interest calculated from February 8, 2026 at 4.00% on the outstanding balance.

January 27, 2026
Date Issued

Jane Dean
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 8, 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.