



Order under Section 100 Residential Tenancies Act, 2006

Citation: Robinson Street Non Profit Homes Inc v Martin, 2026 ONLTB 9971

Date: 2026-01-29

File Number: LTB-L-057757-25

In the matter of: Z, 120 Robinson Street
Markham Ontario L3P1P1

Between: Robinson Street Non Profit Homes Inc Landlord

And

Jennifer Martin Tenant

And

Cassius Bucks Unauthorized Occupant

Robinson Street Non Profit Homes Inc (the 'Landlord') applied for an order to terminate the tenancy of Jennifer Martin (the 'Tenant') and evict Cassius Bucks (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 January 19, 2026.

Only the Landlord's legal representative Reza Khimji and the Landlord's agent/ property manager Leslie Adams attended the hearing.

As of 9:32 a.m. neither the Tenant nor the Unauthorized Occupant was 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. For the reasons that follow, I find that the Tenant 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'). Therefore, the tenancy is terminated, the Unauthorized Occupant shall move out of the rental unit on or before February 9, 2026.
2. The Landlord's property manager, L. Adams ("LA"), testified that Tenant rented the rental unit with her 2 children. LA said that at some point in the tenancy, the Tenant allowed Cassius Bucks (CB) to move into the rental unit. That because of a relationship breakdown,

the Tenant moved out of the unit on June 1, 2025. The Landlord becoming aware that the unauthorized occupant (CB) remained residing in the rental unit and has refused to vacate.

3. Further, that (CB) has caused multiple disturbances in the residential complex necessitating police attendance, has refused the Landlord entry on multiple occasions, and that all utilities to the rental unit have been disconnected. This putting the Landlord at additional risk inclusive of possible damage to the rental unit.
4. The Landlord is a non-profit housing provider and seeks an immediate eviction of (CB).
5. Section 100 of the Act allows a landlord to apply to evict an unauthorized occupant if the tenant transferred occupancy of the rental unit other than by an authorized assignment or sublet (i.e. without the landlord's consent).
6. Section 95 of the Act allows a tenant to assign a rental unit to another person with the landlord's consent, section 97 of the Act allows a tenant to sublet a rental unit to another person also with the landlord's consent. In this case, the Landlord did not consent to an assignment nor a sublet.
7. Based on the uncontested evidence before me, I am satisfied that the Tenant moved out of the rental unit on June 1, 2025. As the Landlord did not enter into a tenancy agreement with Cassius Bucks, I find that the occupancy of the rental unit was transferred to the Unauthorized Occupant in a manner that was not authorized by the Act.
8. Subsection 100(2) of the Act requires a landlord to apply to the Board within sixty days of discovering an unauthorized occupancy. LA testified that the Landlord became aware of the Unauthorized Occupant on or about June 21, 2025, when the Landlord attended at the rental unit. The application was filed on July 3, 2025. As such, the application was filed within 60 days after the Landlord discovered the unauthorized occupancy.

Daily Compensation

9. The Landlord is entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupant.
10. The Unauthorized Occupant owes the Landlord \$1,141.68 in daily compensation for use and occupation of the rental unit for the period from June 21, 2025 to the January 19, 2026, less all amounts paid.
11. Based on the Monthly rent, the daily compensation is \$5.36. This amount is calculated as follows: \$163.00 x 12 months, divided by 365 days.
12. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

Section 83 Considerations

13. The Landlord submitted that they were unaware of any circumstance of the Tenant or the Unauthorized Occupant that would support denying or delaying eviction. The Tenant nor the Unauthorized Occupant attended the hearing to give evidence of their circumstances, or to dispute the Landlord's application.
14. 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.

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 February 9, 2026.
3. If the unit is not vacated by February 9, 2026, then starting February 10, 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 10, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$1,141.68 which represents daily compensation for the use of the rental unit from June 21, 2025 to the January 19, 2026, less all amounts paid.
6. The Unauthorized Occupant shall also pay to the Landlord \$5.36 per day for compensation for the use of the unit from January 20, 2026 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 February 9, 2026.
9. If the Unauthorized Occupant does not pay the Landlord the full amount owing by February 9, 2026 they will owe interest. This will be simple interest calculated from February 10, 2026 at 4.00% on the outstanding balance.

January 29, 2026

Date Issued

Alicia Johnson

Member, Landlord and Tenant Board

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 10, 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.