



Order under Section 9(2) Residential Tenancies Act, 2006

File Number: LTB-L-000307-25

In the matter of: PH109, 138 Downes Street
Toronto Ontario M5E0E4

Between: Sugar Ward (West) Ltd Landlord

And

Yin Zhang Tenant

Sugar Ward (West) Ltd (the 'Landlord') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on October 28, 2025.

Only the Landlord's Agent Kimberly sears and the Landlord's Legal Representative Arashdeep Grewal attended the hearing.

As of 10:00 am, the Tenant 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 Landlord's evidence.

Determinations:

1. Based on the evidence before me, I am satisfied on a balance of probabilities that the Residential Tenancies Act, 2006 (the "Act") does not apply to the rental unit or residential complex.
2. The evidence establishes that Yin Zhang occupied the rental unit solely as a purchaser pursuant to an Agreement of Purchase and Sale ("AOPS"). That agreement was terminated after the purchaser failed to complete the transaction, including failing to pay the required amounts and failing to vacate the property after default, despite extensions being granted. Occupation under an AOPS does not create a landlord-tenant relationship within the meaning of the Residential Tenancies Act, 2006 (the "Act").
3. I further accept the Landlord's evidence that after the AOPS defaulted, Yin Zhang purported to lease the rental unit to another occupant without the Landlord's knowledge or consent, falsely representing themselves as the landlord. A person who is not a landlord cannot create a tenancy protected by the Act. Any purported lease arising from such misrepresentation is void and does not bind the Landlord.

4. There is no evidence that the Landlord accepted rent, consented to any occupancy, or otherwise established a tenancy relationship with Yin Zhang or with any guest or occupant of the unit. As a result, none of the current occupants meet the definition of “tenant” under the Act.
5. Accordingly, I find that the Residential Tenancies Act, 2006 does not apply to the rental unit or to the occupancy of the rental unit.

It is ordered that:

1. The Residential Tenancies Act, 2006 does not apply to the rental unit or to or to the occupancy of the rental unit.

February 5, 2026
Date Issued

Kyle Anderson
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.