



Order under Section 100 Residential Tenancies Act, 2006

File Number: LTB-L-056389-25

In the matter of: 702, 25 Duncanwoods Drive
North York Ontario M9L2C5

Between: Duncanwoods Drive Apts C/O AAB Lspc. Landlord

And

Bernard Brady (deceased) Tenant

And

Unauthorized Occupants

Kim Brady
Kevin McCalla
Walter Calderon

Duncanwoods Drive Apts C/O AAB Lspc. (the 'Landlord') applied for an order to terminate the tenancy of Bernard Brady (deceased) (the 'Tenant') and evict Kim Brady, Kevin McCalla and Walter Calderon (the 'Unauthorized Occupants') 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 February 5, 2026.

The Landlord's agent, Daren Gilbert, the Landlord's legal representative, Carrie Aylwin, and the Unauthorized Occupant, Kim Brady, attended the hearing. Ms. Brady confirmed that she had the authority to act on behalf of all named Unauthorized Occupants.

At the hearing, the parties requested the following order on consent. I am satisfied that the parties understood the consequences of their joint submissions.

It is agreed that:

1. The Tenant passed away on September 29, 2024 and the Unauthorized Occupants did not vacate the property within 30 days after their passing as required under subsection 91(1) of the *Residential Tenancies Act, 2006* (the 'Act'). The Landlord did not enter into a tenancy agreement with these persons.
2. The Landlord only learned of their passing on June 20, 2025. The application was filed within 60 days after the Landlord discovered the unauthorized occupancy

3. The Unauthorized Occupants were in possession of the rental unit on the date the application was filed and remained in possession of the rental unit as of the hearing date.

Daily Compensation

4. The Landlord is entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupants.
5. The Unauthorized Occupant owes the Landlord \$11,003.88 in daily compensation for use and occupation of the rental unit for the period from June 20, 2025 to the February 5, 2026.
6. Based on the Monthly rent, for the period of June 20, 2025 to December 31, 2025 the daily compensation is \$47.48. This amount is calculated as follows: $\$1,444.43 \times 12$ divided by 365 days.
7. Based on the monthly rent for the period of January 1, 2026 to February 5, 2026 the daily compensation is the daily compensation is \$48.48. This amount is calculated as follows: $\$1474.76 \times 12$ months, divided by 365 days.
8. Since the Landlord became aware of the Unauthorized Occupants, the Tenant and/or the Unauthorized Occupants have paid the Landlord \$0.00 in compensation for use of the rental unit.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

Section 83 Considerations

10. 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 not be unfair to postpone the eviction until March 31, 2026 pursuant to subsection 83(1)(b) of the Act.
11. This is the date in which the parties agreed that the Unauthorized Occupants would vacate the rental unit because they have another place to go for April 1, 2025.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated.
2. The Unauthorized Occupants shall move out of the rental unit on or before March 31, 2026.
3. If the unit is not vacated by March 31, 2026, then starting April 1, 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 April 1, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$11,003.98 which represents daily compensation for the use of the rental unit from June 20, 2025 to the February 5, 2026.
6. The Unauthorized Occupant shall also pay to the Landlord \$48.48 per day for compensation for the use of the unit from February 6, 2026 to the date they move out of the unit.
7. The Unauthorized Occupants shall also pay the Landlord \$201.00 for the cost of filing the application.
8. The Unauthorized Occupants shall pay the Landlord the full amount owing by March 31, 2026.
9. If the Unauthorized Occupants do not pay the Landlord the full amount owing by March 31 2026 they will owe interest. This will be simple interest calculated from April 1, 2026 at 4.00% on the outstanding balance.

February 13, 2026
Date Issued

Terri van Huisstede
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 October 1, 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.