



Order under Section 31 Residential Tenancies Act, 2006

File Number: LTB-T-068263-25

In the matter of: 2, 47 STADACONA DR
NORTH YORK ON M3H2Z8

Between: MARGIE TENDENCIA Tenant

And

EDGARDO BADIOLA Landlord
Venus Rosacia

The term "Landlord" refers to all persons or companies identified as a Landlord and "Tenant" refers to all persons identified as a Tenant, within the order.

MARGIE TENDENCIA (the 'Tenant') applied for an order determining that EDGARDO BADIOLA and Venus Rosacia (the 'Landlord'):

- entered the rental unit illegally.
- substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of their household.
- harassed, obstructed, coerced, threatened or interfered with the Tenant.

This application was heard by videoconference on February 3, 2026.

Only the Tenant attended the hearing.

As of 2:15PM, 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, the application is dismissed as the Act does not apply to this tenancy.

Preliminary Issue: Does the Act Apply?

2. During MT's testimony, the question of whether the Act applied arose.

3. MT's uncontested evidence was, she signed a lease agreement with VR and EB to move into a room in the basement unit of the residential complex. A copy of the lease agreement was submitted into evidence showing VR and EB as named Landlords. On April 7, 2024, MT and her son moved into the unit.
4. In the summer of 2024, she learned that VR and EB were not the owners of the property but rather they rented the basement unit from the Landlord and brought their own tenants. She testified that she learnt this when the actual Landlord attended the property and was surprised to see them and not his tenants.
5. MT confirms at no point during her tenancy did VR and EB live in the rental unit or share spaces with her and the other tenants.
6. 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.

7. Based on this definition, I do not find the named Landlord in this application constitutes a Landlord under the *Residential Tenancies Act, 2006*.
8. 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.
9. It is evident that the criteria above were not met in this situation as the actual Landlord and owner of the property did not provide consent for the Tenant, VR and EB, to sublet the property nor does MT's lease agreement have a specific termination date. Therefore, I do not find this arrangement is covered under the act as a subtenancy.
10. Given the above reasons I find the Act does not apply to the relationship between MT and EB and VR and the application must be dismissed.

11. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The application is dismissed as the Act does not apply.

February 10, 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