



Order under Section 100 Residential Tenancies Act, 2006

File Number: LTB-L-069286-25

In the matter of: 2 OLD BROCK RD
PUSLINCH ON N0B2J0

Between: Anupinder Dhaliwal Landlord
Sahib Dhaliwal

And

Mohak Paul Tenant
Jayesth Paul

And

Unauthorized Occupants
Sukhdeep Singh Dhanoa
Komalpreet Sumal
Unauthorized Occupants

Anupinder Dhaliwal and Sahib Dhaliwal (the 'Landlord') applied for an order to terminate the tenancy of Mohak Paul and Jayesth Paul (the 'Tenant') and evict Sukhdeep Singh Dhanoa and Unauthorized Occupants (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 November 4, 2025.

The Landlord's Representative Bridget Lontok, the Landlords, the Landlord's witness James Harris the Representative for the Unauthorized Occupants Joss Covenoho attended the hearing.

Preliminary Issues:

Tenant – Jurisdiction of the Board

1. The Representative for the Unauthorized Occupants submitted that the Board does not have jurisdiction as the Unauthorized Occupants have filed with the Superior Court in relation to this matter.
2. In considering the jurisdiction of the Board, it is appropriate to review sections 3, 168 and 174 of the *Residential Tenancies Act, 2006* (the 'Act'):

3(1) This Act applies with respect to rental units in residential complexes, despite any other Act and despite any agreement or waiver to the contrary.

168(2) The Board has exclusive jurisdiction to determine all applications under this Act and with respect to all matters in which jurisdiction is conferred on it by this Act.

174 The Board has authority to hear and determine all questions of law and fact with respect to all matters within its jurisdiction under this Act.

3. As well, the exclusive nature of the Board's jurisdiction was confirmed by the Ontario Court of Appeal (ONCA) in *Fraser v. Beach*, 2005 CanLII 14309 (ONCA), 2005. In that case which involved residential tenants (in an illegal rooming house) and their neighbours, the ONCA identified that the "single legal issue in this appeal is whether the Superior Court of Justice has jurisdiction to order the eviction of the tenants, or whether the Ontario Rental Housing Tribunal [now the Landlord and Tenant Board – my insert] has exclusive jurisdiction to do so".
4. The ONCA concluded that the Act applied to the relationship between landlords and tenants and that the Board did have exclusive jurisdiction over termination of residential leases.
5. Finally, in *Kim v. Salomon*, 2017 ONSC 7224 (CanLII), the tenant argued because he had commenced a proceeding in the Superior Court seeking to set aside the sale of the property in question and compensation for repairs the Tenant claimed to have made to the property, the Board lacked the jurisdiction to consider the landlord's application (based on an N12 notice). The tenant also argued that the Board proceeding should have been adjourned until after a motion with respect to his Superior Court case was heard.
6. The Superior Court of Justice found (at paras. 18 and 22) that there was no overlap between Superior Court proceeding and the Board's proceeding, so that the Board's refusal to grant an adjournment to await the outcome of the Superior Court motion was not a breach of procedural fairness.
7. Therefore, with respect to the Representative for the Unauthorized Occupants initial statement that the Board does not have jurisdiction, I find the Board's jurisdiction is not ousted by the Tenant's Superior Court proceedings.
8. Therefore, I find that the Board has jurisdiction to hear this A2 application.

Landlord – Amendment Request

9. The Landlord sought to amend the application to include "Unauthorized Occupants" as there may be other additional people residing in the rental unit.
10. On October 15, 2025, the Landlord filed with the Board and served on the other parties, a copy of the Request to Amend an Application.
11. At the hearing the request was uncontested and as the Landlord had properly filed and served the request, the amendment was granted.

Determinations:

12. The Landlord Anupinder Dhaliwal (AD), testified that the rental unit is a 2 bedroom house which was rented to Mohak Paul and Jayesth Paul. A copy of the lease was submitted as evidence.
13. AD testified that the Tenants resided in the unit from January 2025 until July 31, 2025, and they vacated the unit after signing an N11 Agreement to Terminate the Tenancy with the Landlord. A copy of the N11 Agreement was submitted as evidence.
14. AD testified that the Tenants vacated the unit but their roommates refused to leave. She further testified that there was never any agreement with the roommates.
15. Based on the uncontested evidence, I find on a balance of probabilities that the Tenants transferred the occupancy of the rental unit to the Unauthorized Occupants 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.
16. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.

Daily Compensation

17. The Landlord is entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupant.
18. The Unauthorized Occupant owes the Landlord \$11,046.72 in daily compensation for use and occupation of the rental unit for the period from August 1, 2025 to the November 4, 2025.
19. Based on the Monthly rent, the daily compensation is \$115.07. This amount is calculated as follows: \$3500.00 x 12 months, divided by 365 days.
20. Since the Landlord became aware of the Unauthorized Occupant, the Tenant and/or the Unauthorized Occupant paid the Landlord \$0.00 in compensation for use of the rental unit.
21. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

Section 83 Considerations

22. The Landlord is seeking a standard order terminating the tenancy, with an eviction date 11 days from the date of this order.
23. The Unauthorized Occupants did not attend the hearing to present any evidence or submissions in support of granting relief from eviction.

24. 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 22, 2026.
3. If the unit is not vacated by February 22, 2026, then starting February 23, 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 23, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$11,046.72 which represents daily compensation for the use of the rental unit from August 1, 2025 to the November 4, 2025.
6. The Unauthorized Occupant shall also pay to the Landlord \$115.07 per day for compensation for the use of the unit from November 5, 2025 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 22, 2026.
9. If the Unauthorized Occupant does not pay the Landlord the full amount owing by February 22, 2026 they will owe interest. This will be simple interest calculated from February 23, 2026 at 4.00% on the outstanding balance.

February 13, 2026
Date Issued

Brenda Mercer
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 23, 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.