



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-033836-25

In the matter of: MAIN FLOOR, 827 BROOKDALE CRES
PETERBOROUGH ON K9H6A5

Between: Md Humayun Kabir Former Landlord

The Royal Bank of Canada Landlord

And

Michelle Lywood Tenants
Jessie Lywood

Md Humayun Kabir (the 'Former Landlord') applied for an order to terminate the tenancy and evict Michelle Lywood and Jessie Lywood (the 'Tenants') because the Tenants did not pay the rent that the Tenants' owe.

The hearing was held by videoconference on July 22, 2025, and concluded on February 23, 2026.

The Tenant, Michelle Lywood, the Former Landlord and their Representative, Muhammad Alam, attended on July 22, 2025, but on February 23, 2026 only James Riewald, Representative for Royal Bank of Canada, attended hearing. As of 1:30 p.m., on February 23, 2026, neither the Former Landlord nor the Tenants were 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 uncontested.

Interim order LTB-L-033836-25-IN was issued on August 13, 2025.

Determinations:

1. The Former Landlord gave the Tenants an N4 Notice of Termination on February 20, 2025, and subsequently filed an application on April 1, 2025, requesting arrears or rent to the period ending April 30, 2025.
2. After the hearing on July 22, 2025, I adjourned that matter and issued an interim order on August 13, 2025, to add the Royal Bank of Canada as an Interested Party because it was unclear to me as to whether the Royal Bank had become a mortgagee in possession of the residential complex, in accordance with the *Mortgages Act*, and therefore would be a party to this application and possibly the landlord to whom rent is due.
3. On August 22, 2025, the Royal Bank of Canada uploaded order LTB-L-035403-25, dated August 5, 2025, where VC Chapple determined the appropriate Landlord to be the Royal

Bank of Canada. In the consent order, the Royal Bank of Canada and the Tenants agreed to a payment plan for the rental arrears for the period of March 1, 2025, to July 31, 2025.

4. At the hearing before me on February 23, 2026, counsel for the Royal Bank of Canada, Mr. Riewald, confirmed that the Royal Bank of Canada issued a letter to the Tenants on February 20, 2025, along with the Notice of Attornment, and that the Tenants, as of March 1, 2025, were required to pay the rent to the Royal Bank as they were the mortgagee in possession of the rental unit. Mr. Riewald also testified that the tenancy terminated on August 31, 2025, the date the Tenants vacated the rental unit, and the property has since been sold. He stated they take no position on the matter with respect to rental arrears owing prior to March 1, 2025, when the mortgagee went into possession.
5. Based on the uncontested evidence and submissions before me, I find that at the time the application was filed on April 24, 2025, Md Humayun Kabir was not the lawful landlord and did not have authorization from the Royal Bank of Canada to bring an application before the Board. Pursuant to section 185 of the *Residential Tenancies Act, 2026*, he did not have authority to file this application.
6. Further to the above, since the Former Landlord, Md Humayun Kabir, did not attend the hearing to support their application or to justify their authority to pursue this application, I find that this application has been abandoned.

It is ordered that:

1. The Applicant's application is dismissed.

February 25, 2026
Date Issued

Colette Myers
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.