



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

File Number: LTB-L-007417-26

In the matter of: 312, 6065 McLeod Road
Niagara Falls On L2G0Z7

Between: Erin Ashley Talucci Landlord

And

Unknown Occupant Tenant

Erin Ashley Talucci (the 'Landlord') applied for an order to determine whether the *Residential Tenancies Act, 2006* (the 'Act') applies.

This application was heard by videoconference on February 26, 2026.

Only the Landlord attended the hearing.

As of 9:08 a.m., 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. The Landlord testified that she does not know the individuals occupying the rental unit nor is the unit a rental unit. The Landlord resides in Toronto and the unit is an investment property.
2. The Landlord testified that the unit was vacant and listed for sale. The Landlord paused the listing and was in the process of preparing the unit to be listed again for sale. There was a lockbox with a key at the unit. When she visited the unit in November 2025, she discovered that the lockbox was gone and that the locks to the unit was changed. A week later, she posted a notice on the door and contacted the police who informed her that they would not be able to assist and to file an application with the Board.
3. The Landlord testified that her friend who lives near the unit continues to observe people occupying the unit and going in and out.
4. The Landlord testified that she has been paying the utilities bills for the unit.
5. Based on the uncontested evidence before the Board, I am satisfied on a balance of probabilities that there is no Landlord and Tenant relationship between the parties, and there is no tenancy between the parties under the Act.

It is ordered that:

1. The *Residential Tenancies Act, 2006* does not apply.

March 5, 2026

Date Issued

Vicky Liu

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.