



**Order under Section 100 101  
Residential Tenancies Act, 2006**

**File Number:** LTB-L-070445-25

**In the matter of:** 1117, 1442 Lawrence Avenue West  
North York Ontario M6L 1B5

**Between:** Barney River Investments Ltd Landlord

**And**

Giovanny Toral Tenant

**And**

Tbhar Padua Unauthorized Occupant

Barney River Investments Ltd (the 'Landlord') applied for an order to terminate the tenancy of Giovanny Toral (the 'Tenant') and evict Tbhar Padua (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 March 3, 2026.

Only the Landlord's representative, Kevin Lundy ("K.L."), attended the hearing.

As of 11:16 a.m., the Tenant nor the Unauthorized Occupant was present or represented at the hearing although properly served with notice of this hearing by the Board. 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 has not established, on a balance of probabilities, that the Tenant transferred the occupancy of the rental unit to the Unauthorized Occupant in a manner that was not authorized by the *Residential Tenancies Act, 2006* (the 'Act').
2. The Landlord's representative submitted that on July 14, 2025, the Landlord became aware that the unauthorized occupant was residing in the rental unit and that the Tenant had vacated. The Landlord was named the respondent on a multi-tenant application (LTB-T-010739-24) ("multi-tenant application"), which is an application currently before the Board. This multi-tenant application was filed with the Board on February 7, 2024.

3. Although the unauthorized occupant was not originally named as a tenant on that application, the Landlord's representative submitted that they received a schedule of parties on July 14, 2025, in which the unauthorized occupant was named as the sole tenant of unit 1117. According to the Landlord's Representative, this is when the Landlord learned of the unauthorized transfer in occupancy.
4. I find that the Landlord's evidence is insufficient to establish, on a balance of probabilities that the Tenant transferred the occupancy to the unauthorized occupant. The only evidence provided to support this position was the multi-tenant application. I would have reasonably expected the Landlord to provide direct evidence on this issue. For example, the Landlord could have called a witness, such as the property manager, to provide evidence about an inspection of the unit, any communication with the Tenant or the alleged unauthorized occupant regarding the transfer of this occupancy or some other evidence that the Tenant had permanently vacated the rental unit.
5. The Landlord is still receiving rent, but the Landlord's representative was not able to confirm who was paying the Landlord as it was a direct deposit into the Landlord's bank account.
6. Furthermore, I am not convinced the Landlord only discovered the alleged unauthorized occupant on July 14, 2025. The Landlord's representative submitted that the tenants on the multi-tenant application provided a schedule of parties in which the unauthorized occupant was named on July 14, 2025, but no evidence was adduced at the hearing to support the contention that this was the earliest date the Landlord became aware of the alleged unauthorized occupant.

**It is ordered that:**

1. The Landlord's application is dismissed.

**March 11, 2026**  
**Date Issued**

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Vishal Nanda  
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.