



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: GYKAN ENTERPRISES INC. v RAHMIN, 2026 ONLTB 20087

Date: 2026-03-04

File Number: LTB-L-082843-23-RV

In the matter of: 214, 260 CARLAW AVENUE
TORONTO ON M4M3L1

Between: GYKAN ENTERPRISES INC. Landlord

And

TUHMIN RAHMIN Tenant

And

MORGAN MIDGELY Unauthorized
Occupant

Review Order

GYKAN ENTERPRISES INC. (the 'Landlord') applied for an order to terminate the tenancy of TUHMIN RAHMIN (the 'Tenant') and evict MORGAN MIDGELY (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 resolved by order LTB-L-082843-23 issued on December 9, 2025.

On December 19, 2025, the Unauthorized Occupant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The order under review directs the Unauthorized Occupant to pay \$7,995.02 in daily compensation to the Landlord. The Unauthorized Occupant submits that there is no basis for this amount, that the amount is punitive, that the Landlord is unjustly enriched by this order, and that the order shifts the Tenant's responsibility for arrears to the Unauthorized Occupant.
2. The Member found that the Tenant had transferred occupancy to the Unauthorized Occupant and that the Landlord discovered this on September 11, 2023. Because that is

the date of the transfer, that is the first day that the Landlord became entitled to compensation for use of the unit by the Unauthorized Occupant. The Tenant continued to pay rent for some time after the transfer but at some point before the Unauthorized Occupant vacated the unit, the Tenant stopped paying the Landlord. At the hearing the Landlord testified that the amount that was left owing for compensation was \$7,995.02.

3. The order provides a sufficient basis for the amount ordered. There could be a number of ways to calculate the amount that the Unauthorized Occupant was required to pay in compensation for using the unit. In this case the Tenant continued to pay rent for a time and then stopped. The Landlord calculated the amount owed in compensation by reference to the rent that would have been owed by the Tenant if the Tenant had not transferred occupancy of the unit. The Member accepted this evidence. It was reasonable to do so.
4. There is no basis for the submissions that the amount is punitive, that the Landlord is unjustly enriched by this order, or that the order shifts the Tenant's responsibility for arrears to the Unauthorized Occupant. The amount is equal to the amount of rent that would have been payable by the Tenant if the Tenant had not transferred occupancy. This makes sense because compensation owed by an unauthorized occupant under subs.100(3) of the *Residential Tenancies Act, 2006* (the 'Act') is normally calculated by reference to the monthly rent that was paid by the tenant. The Tenant's responsibility to pay rent ended when the Tenant transferred occupancy. The amount ordered does not include compensation/rent for any time period for which the Tenant paid rent or for which the Tenant was required to pay rent. The Landlord did not receive compensation from either the Tenant or the Unauthorized Occupant for the relevant period and so requiring the Unauthorized Occupant to pay this amount is not double recovery.
5. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.

It is ordered that:

1. The request to review order LTB-L-082843-23 issued on December 9, 2025 is denied. The order is confirmed and remains unchanged.

March 4, 2026
Date Issued

Renée Lang
Vice Chair, 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.