



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

File Number: LTB-L-074883-25

In the matter of: 518, 550 Scarborough Golf Club Road
Scarborough Ontario M1G 1H6

Between: Sunder Group of Companies Ltd Landlord

And

Don Thimeka Weerasiri Tenants
Malithi Samarasekara

And

Unknown Unknown Unauthorized Occupant

Sunder Group of Companies Ltd (the 'Landlord') applied for an order to terminate the tenancy of Don Thimeka Weerasiri and Malithi Samarasekara (the 'Tenants') and evict Unknown Unknown (the 'Unauthorized Occupant') because the Tenants 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, Geoff Paine, and the Landlord's agent, Max Gonzalez, attended the hearing.

As of 9:30 a.m., neither the Tenants nor the Unauthorized Occupant 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 with only the Landlord's evidence.

Determinations:

REASON 1: UNAUTHORIZED TRANSFER OF OCCUPANCY

1. The Tenants 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'). The Landlord did not enter into a tenancy agreement with this person.
2. The Landlord called Max Gonzalez ("M.G.") as a witness. M.G. testified that on August 12, 2025, the Landlord received an email from the Tenants in which they stated they had

moved to a different country and that another individual would be living in the rental unit. A copy of this email was adduced into evidence and it supports M.G.'s position.

3. M.G. testified that he has inspected the rental unit as he was contacted by the unauthorized occupant to complete maintenance work on the rental unit on or about August 18, 2025. The Tenants were not in the rental unit and it was clear that the unauthorized occupant had moved into the Tenants' bedroom.
4. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.
5. The application was filed within 60 days after the Landlord discovered the unauthorized occupancy. The Landlord was notified via email on August 12, 2025 that the unauthorized occupant would be residing in the rental unit and the application was filed with the Board on August 21, 2025, complying with the 60 rule.
6. Based on the uncontested evidence of the Landlord, I am satisfied that the Tenants transferred the occupancy over to an unauthorized occupant without the consent of the Landlord. The email submitted into evidence by the Landlord was clear, the Tenants informed the Landlord that another individual would be residing in the rental unit. M.G. testified the Landlord never provided the Tenants with consent to transfer the occupancy to this occupant. Furthermore, the Landlord's representative submitted that they received a call from the Tenants prior to the hearing notifying them that they are now living in another rental unit.

Daily Compensation

7. The Landlord waived their claim for daily compensation.
8. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs. The Tenants shall pay the Landlord this amount as they were aware they transferred the tenancy to an unauthorized individual without the Landlord's consent and insisted on allowing the unauthorized occupant to reside in the rental unit.

Section 83 Considerations

9. 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:

REASON 1: UNAUTHORIZED TRANSFER OF OCCUPANCY

1. The tenancy between the Landlord and the Tenants is terminated.
2. The Unauthorized Occupant shall move out of the rental unit on or before March 21, 2026.

3. If the unit is not vacated by March 21, 2026, then starting March 22, 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 March 22, 2026.
5. The Tenants shall pay the Landlord \$201.00 for the cost of filing the application.
6. If the Tenants do not pay the Landlord the full amount owing by March 21, 2026 they will owe interest. This will be simple interest calculated from March 22, 2026 at 4.00% on the outstanding balance.

March 10, 2026
Date Issued

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 22, 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.