



Order under Section 100 101 Residential Tenancies Act, 2006

File Number: LTB-L-076193-25

In the matter of: 412, 10 Teesdale Place
Scarborough Ontario M1L1K9

Between: Princess Management as Agent for Landlord
Dentonia Place

And

Mohammad Bhuiyan Tenant

And

Unknown Occupant(s) Unauthorized Occupant

Princess Management as Agent for Dentonia Place (the 'Landlord') applied for an order to terminate the tenancy of Mohammad Bhuiyan (the 'Tenant') and evict Unknown Occupant(s) (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 5, 2026.

Only the Landlord's agent, Jelena Slomka, the Landlord's Legal Representative, David Ciobotaru, attended the hearing.

As of 9:33 a.m., neither the Tenant nor the Unauthorized Occupant/Subtenant was 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 Tenant transferred transfer 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's agent submitted that, on August 7, 2025, the Tenant made a maintenance request for repairs. On August 8, 2025, while attending the rental unit for maintenance, the Landlord's staff observed an unusual cubicle style living arrangement in the living room. On August 20, 2025, the Landlord's staff conducted an inspection of the rental unit. During

that inspection, the Tenant was unable to provide access to two bedrooms that had additional locks because he did not have keys to those rooms.

3. The Landlord's agent further testified that, after reviewing surveillance footage in the hallway, the Landlord's management confirmed that the rental unit was occupied by five unknown occupants, namely four males and one female. The Landlord's investigation further indicated that the Tenant and his family, including two children, had not been residing in the rental unit since early 2025. Based on that investigation, the Landlord concluded that the Tenant had transferred occupancy of the rental unit to unauthorized occupants. The Landlord's agent also stated that the Landlord did not enter into any tenancy agreement with those occupants.
4. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.
5. Section 100(1) and (2) of the Act states:

If a tenant transfers the occupancy of a rental unit to a person in a manner other than by an assignment authorized under section 95 or a subletting authorized under section 97, the landlord may apply to the Board for an order terminating the tenancy and evicting the tenant and the person to whom occupancy of the rental unit was transferred. 2006, c. 17, s.100 (1).

(2) An application under subsection (1) must be made no later than 60 days after the landlord discovers the unauthorized occupancy. 2006, c. 17, s. 100 (2)....

6. Based on the Landlord's uncontested evidence, I am satisfied, on a balance of probabilities, that the Tenant ceased to reside in the rental unit and transferred occupancy to unauthorized occupants without the Landlord's consent. I am also satisfied that the Landlord did not enter into a tenancy agreement with those occupants. The Landlord discovered the unauthorized occupancy on August 20, 2025, and filed the application on August 27, 2025. The application was therefore filed within the time required by section 100(2) of the Act.
7. Accordingly, the Landlord's application is granted, and the tenancy is terminated.

Daily Compensation

8. At the hearing, the Landlord's legal representative withdrew the claim for daily compensation. It was confirmed that the lawful monthly rent had been paid in full, either by the Tenant or the unauthorized occupant. Accordingly, the Landlord's application is hereby amended to remove the claim for compensation for use and occupation of the rental unit.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs. The Tenant shall pay application filing fee as they are responsible for the unauthorized transfer.
10. The Tenant shall pay the Landlord \$201.00 for the cost of filing the application.

Section 83 Considerations

11. 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 not be unfair to postpone the eviction until March 31, 2026, pursuant to subsection 83(1)(b) of the Act.
12. At the hearing, the Landlord's Legal Representative submitted that the Tenant had already given an N9 notice to terminate the tenancy and had indicated an intention to vacate the rental unit by March 31, 2026. The Landlord therefore seeks termination of the tenancy effective March 31, 2026, in order to provide the Tenant with additional time to vacate the rental unit. As noted above, the Tenant did not attend the hearing. As a result, I did not have the opportunity to hear evidence about the Tenant's circumstances or any evidence in response to the Landlord's request for an eviction order.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated.
2. The Unauthorized Occupant shall move out of the rental unit on or before March 31, 2026.
3. If the unit is not vacated by March 31, 2026, then starting April 1, 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 April 1, 2026.
5. The Tenant shall pay the Landlord \$201.00 for the cost of filing the application.
6. The Tenant shall pay the Landlord the full amount owing by March 21, 2026.
7. If the Tenant does 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

Joy Xiao
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 October 1, 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.