



Order under Section 100 Residential Tenancies Act, 2006

Citation: Summit Properties v Auld, 2026 ONLTB 21122

Date: 2026-03-09

File Number: LTB-L-053552-25

In the matter of: 213, 565 Proudfoot Lane
London Ontario N6H0A1

Between: Summit Properties Landlord

And

Katherine Auld Tenant

And

Unknown Occupant Unauthorized Occupant

Summit Properties (the 'Landlord') applied for an order to terminate the tenancy of Katherine Auld (the 'Tenant') and evict Unknown Occupant (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 February 18, 2026. Only the Landlord's agent, Heather Fernandes and the Landlord's legal representative, Daniel Abraham attended the hearing.

As of 9:35 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 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 testified that the Tenant was the only leaseholder with respect to this tenancy. The Unauthorized Occupant is believed to be the Tenant's former partner. There were some issues relating to noise complaints and the Unauthorized Occupant's dog and so the Landlord served the Tenant with an N5 notice of termination. On June 15, 2025, the Tenant returned the keys, however the Unauthorized Occupant remained.

3. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed. However, in order to succeed they must know the name of the unauthorized occupant.
4. As the Landlord did not have that information they elected to withdraw their claim for compensation.

Daily Compensation

5. As explained to the Landlord at the hearing; pursuant to subsection 100(3) of the Act, a landlord may obtain an order for the payment of compensation by the unauthorized occupant for the use and occupation of the rental unit, if the unauthorized occupant is in possession of the rental unit at the time the application is made. However, The Landlord elected to withdraw their claim for compensation.

Section 83 Considerations:

6. 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.
7. As already mentioned, the Tenant or the Unauthorized Occupant did not attend the hearing or contest the Landlord's request for an eviction order. I also could not canvas their personal circumstances as it relates to relief from eviction. The Landlord requested a standard order and so it shall issue.

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 20, 2026.
3. If the unit is not vacated by March 20, 2026, then starting March 21, 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 21, 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 20, 2026.

March 9, 2026
Date Issued

Curtis Begg
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 21, 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.