



Order under Section 100 Residential Tenancies Act, 2006

Citation: Papaioannou v Desgagne, 2026 ONLTB 21125

Date: 2026-03-11

File Number: LTB-L-059725-25

In the matter of: 10 GRACE ST
SAULT STE. MARIE ON P6A2S6

Between: The Estate of James Brian Donnelly Landlords
Allanna Papaioannou

And

Maurice Desgagne Tenant

And

Jane Doe Unauthorized Occupants
John Doe

The Estate of James Brian Donnelly Allanna Papaioannou (the 'Landlords') applied for an order to terminate the tenancy of Maurice Desgagne (the 'Tenant') and evict Jane Doe and John Doe (the 'Unauthorized Occupants') because the Tenant transferred occupancy of the rental unit to the Unauthorized Occupant without the Landlords' consent. The Landlords 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. The second named Landlord, the Landlord's agent, Katherine Donnelly, and the Landlords' legal representative, Nathan Chevalier attended the hearing.

As of 11:24 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 Landlords' evidence.

At the hearing, the application was amended to add the Estate of James Brian Donnelly as a Landlord and to withdraw the Landlords' claim for compensation. This order reflects that change.

Determinations:

1. The Tenant transferred/did not transfer the occupancy of the rental unit to the Unauthorized Occupants in a manner that was not authorized by the *Residential Tenancies Act, 2006* (the 'Act'). The Landlords did not enter into a tenancy agreement with this person.

2. The Landlords testified that the Tenant stopped paying rent in April 2024. The rent was originally paid directly to the Landlords by the Ontario Disability Support Program, however it was stopped. There was an L2 application that was filed related to an N12 that was served on the Tenant because the Landlord required the rental unit for a purchaser's own use. The application was ultimately withdrawn, but the Landlords say the Tenant did not attend that hearing on October 2, 2024. The Landlords also say that the last time they saw the Tenant was August 2024.
3. The Landlords do not live close to the rental unit and so they are not always in close proximity to the rental unit. On June 9, 2025, the Landlord received an email from Northshore Tribal Counsel, an indigenous organization that supports the Tenant. They informed the Landlord that the Tenant does not have the rental unit listed as their current residence.
4. The Landlords filed this application as they say there are a number of individuals residing in the rental unit who are causing issues and police are called regularly. They believe that the Tenant has vacated and has transferred the occupancy of the rental unit to these people. As of the date of the hearing they were still in possession of the rental unit.

Section 83 Considerations

5. 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.
6. As noted, the Tenant nor the Unauthorized Occupants did not attend the hearing of this matter and thus I did not have the opportunity to hear their evidence regarding their circumstances, or to dispute the Landlords' application for an eviction order.

It is ordered that:

1. The Landlords' claim for compensation is withdrawn.
2. The tenancy between the Landlords and the Tenant is terminated.
3. The Unauthorized Occupant shall move out of the rental unit on or before March 22, 2026.
4. If the unit is not vacated by March 22, 2026, then starting March 23, 2026, the Landlord may file this order with the Court Enforcement Office (the Sheriff), so that the eviction may be enforced.
5. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord after March 23, 2026.
6. The Tenant shall pay the Landlords \$201.00 for the cost of filing the application.
7. The Tenant shall pay the Landlords the full amount owing by March 22, 2026.

8. If the Tenant does not pay the Landlords the full amount owing by March 22, 2026 they will owe interest. This will be simple interest calculated from March 23, 2026 at 4.00% on the outstanding balance.

March 11, 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 23, 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.