



Order under Section 100 101 Residential Tenancies Act, 2006

File Number: LTB-L-099119-25

In the matter of: 208, 65 Holborn Drive
Kitchener Ontario N2A2C9

Between: Dana Christiaen Landlord
The Regional Municipality of Waterloo

And

Linda Moulton Tenant

And

Terry Moulton Unauthorized Occupant

Dana Christiaen and The Regional Municipality of Waterloo (the 'Landlord') applied for an order to terminate the tenancy of Linda Moulton (the 'Tenant') and evict Terry Moulton (the 'Unauthorized Occupant') because the Tenant transferred occupancy of the rental unit to the Unauthorized Occupant without the Landlord's consent.

This application was heard by videoconference on March 5, 2026.

The Landlord's representative, Dana Christiaen, and the current occupant attended the hearing.

Determinations:

Unauthorized Occupation:

1. As explained below, the Landlord has proven, on a balance of probabilities, the grounds for termination of the tenancy and eviction of the Occupant.
2. The facts of this case are not in dispute.
3. Linda Moulton was the sole tenant and leaseholder of the rental unit. Ms. Moulton resided in the rental unit from November 1, 2011, until October 6, 2025, when she passed away.
4. After Ms. Moulton passed away, her son, Terry Moulton, remained in the rental unit. Mr. Moulton is not a tenant of the rental unit and has not entered into a tenancy agreement with the Landlord. Mr. Moulton has not paid any rent to the Landlord while residing in the rental unit after the Tenant's death.
5. Section 91(1) of the Act states:

If a tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy shall be deemed to be terminated 30 days after the death of the tenant.

6. The Landlord's application was filed pursuant to section 100(1) of the Act, which 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.

7. In addition to the above, section 104(4) of the Act states in part:

(4) A person's occupation of a rental unit shall be deemed to be an assignment of the rental unit with the consent of the landlord as of the date the unauthorized occupancy began if,

*a tenancy agreement is not entered into under subsection (1) or (2) within the period set out in subsection (3).
the landlord does not apply to the Board under section 100 for an order evicting the person within 60 days of the landlord discovering the unauthorized occupancy.*

8. Based on the evidence before the Board, I am satisfied that Terry Moulton is an unauthorized occupant within the meaning of section 100 of the Act. I am also satisfied that no tenancy agreement exists between the Occupant and the Landlord. I am further satisfied that the Landlord filed the application within 60 days after becoming aware of the unauthorized occupancy following the death of the last lawful tenant.
9. The Tenant passed away on October 6, 2025, and the application was filed with the Board on November 3, 2025. The application was therefore filed within the statutory 60-day period. The Landlord is entitled to vacant possession of the rental unit.
10. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

Relief from Eviction:

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 April 30, 2026, pursuant to subsection 83(1)(b) of the Act.
12. At the hearing, the Landlord requested that eviction be postponed until April 30, 2026, in order to provide Mr. Moulton with additional time to find alternative accommodation. Mr. Moulton has remained in the rental unit without authorization since the Tenant passed away and has paid no rent to the Landlord.
13. At the hearing, Mr. Moulton stated that, because of his health condition, he requires additional time to vacate the rental unit. In the circumstances, I find it appropriate to

postpone eviction until April 30, 2026. This will provide Mr. Moulton with additional time to vacate the rental unit while also recognizing that he has had notice of the need to move for some time.

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 April 30, 2026.
3. If the unit is not vacated by April 30, 2026, then starting May 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 May 1, 2026.
5. The Unauthorized Occupant shall pay the Landlord \$201.00 for the cost of filing the application.
6. The Unauthorized Occupant shall pay the Landlord the full amount owing by March 24, 2026.
7. If the Unauthorized Occupant does not pay the Landlord the full amount owing by March 24, 2026, they will owe interest. This will be simple interest calculated from March 25, 2026, at 4.00% on the outstanding balance.

March 13, 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 November 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.