



**Order under Section 100 101
Residential Tenancies Act, 2006**

File Number: LTB-L-075744-25

In the matter of: 838 Huron Street
London Ontario N5Y4K4

Between: Amiraco Properties Inc Landlord

And

Gordon (The Estate of) Whiteduck Tenants
Sharonann (The Estate of) Whiteduck

And

Gary Whiteduck Unauthorized Occupant

Amiraco Properties Inc (the 'Landlord') applied for an order to terminate the tenancy of Gordon (The Estate of) Whiteduck and Sharonann (The Estate of) Whiteduck (the 'Tenants') and evict Gary Whiteduck (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 agent, Jennifer Grant, attended the hearing.

As of 9:53 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. The Landlord testified that on August 13, 2025, the police were called to the rental unit and the Landlord was notified. It was on this date that the Landlord became aware that both Tenants were deceased and that their son, the unauthorized occupant, had taken up possession of the rental unit.

2. The Landlord testified that they were aware that Gordon Whiteduck had passed away in September 2020, but only became aware on August 13, 2025, that Sharonann had passed away in September 2024. The Landlord was being paid rent up until August 2, 2025 from an account that belonged to Sharonann.
3. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.
4. The application was filed within 60 days after the Landlord discovered the unauthorized occupancy. I find that based on the uncontested evidence of the Landlord, the Landlord became aware of the unauthorized occupant as of August 13, 2025, and the application was filed with the Board on April 14, 2025, which complies with the 60-day rule. There was a police incident on August 13, 2025, that alerted the Landlord that both the Tenants were deceased and the individual residing in the rental unit was the son of the deceased Tenants. The Landlord did not consent to the unauthorized occupant to take over the Tenants' lease.

Daily Compensation

5. The Landlord is entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupant.
6. The Unauthorized Occupant owes the Landlord \$6,173.23 in daily compensation for use and occupation of the rental unit for the period from August 13, 2025 to the March 3, 2026.
7. Based on the Monthly rent, the daily compensation is \$30.41. This amount is calculated as follows: \$924.96 x 12 months, divided by 365 days.
8. Since the Landlord became aware of the Unauthorized Occupant, the Tenants and/or the Unauthorized Occupant paid the Landlord \$0.00 in compensation for use of the rental unit.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs. Since both Tenants are deceased, this amount is to be paid by the unauthorized occupant.

Section 83 Considerations

10. 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 28, 2026.
3. If the unit is not vacated by March 28, 2026, then starting March 29, 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 29, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$6,173.23 which represents daily compensation for the use of the rental unit from August 13, 2025, to the March 3, 2026.
6. The Unauthorized Occupant shall also pay to the Landlord \$30.41 per day for compensation for the use of the unit from March 4, 2026, to the date they move out of the unit.
7. The Unauthorized Occupant shall also pay the Landlord \$201.00 for the cost of filing the application.
8. The Unauthorized Occupant shall pay the Landlord the full amount owing by March 28, 2026.
9. If the Unauthorized Occupant does not pay the Landlord the full amount owing by March 28, 2026 they will owe interest. This will be simple interest calculated from March 29, 2026, at 4.00% on the outstanding balance.

March 17, 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 29, 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.