



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: LTB-L-069744-25-AM-RV
LTB-L-077852-24-AM-RV
LTB-T-082872-24-AM-RV

In the matter of: 291 Dryden Road East
Wahnapitae ON P0M3C0

Between: Stephanie Guindon Tenant
Cynthia Grise

And

Jo-Anne George Landlord
Kevin Jurgens

Review Order

Stephanie Guindon and Cynthia Grise (the 'Tenant') applied for an order determining that Jo-Anne George and Kevin Jurgens (the 'Landlord') arbitrarily or unreasonably withheld consent to sublet of the rental unit. The Landlord applied for an order to terminate the tenancy and evict the Tenant because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was resolved by order LTB-L-069744-25-AM, LTB-T-077852-24-AM and LTB-T-082872-24-AM-RV issued on February 2, 2026 and amended on February 12, 2026.

On February 13, 2026, the Landlord requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Landlord's review request (RTR) claims that Board order issued on February 2, 2026 and amended on February 12, 2026 (the "Order") contains a serious error.
2. By way of background, the Landlord filed an L2 based upon a 2nd form N5 for substantial interference. In particular, the Landlord's Form N5 alleges the Tenant assigned or sublet

the rental unit without the Landlord's consent. In dismissing the Landlord's application, the member noted as follows:

...the Landlord is attempting to circumvent section 100 of the Act by attempting to evict the Tenants alleging behavioural issues and substantial interference when in fact the actual issue on its face is that they allege that the Tenants have transferred occupancy of the rental unit without the Landlords consent.

3. The RTR claims the member misapplied the statutory definition of "sublet", stating "*where there is no intention to return, the arrangement constitutes either an assignment or an unauthorized occupancy – not a sublet within the meaning of s.2(1)*".
4. Irrespective of whether the occupants have taken possession by way of sublet or assignment, I disagree the member made an error on a material issue which would potentially change the result of the order.
5. Section 100(1) of the *Residential Tenancies Act*, 2006 (the "Act") is the applicable provision and provides a landlord may apply to the Board for an order terminating the tenancy and evicting the tenant/occupant, in the event there is unauthorized sublet or assignment.
6. Section 100 makes no such distinction between an occupancy achieved by way of sublet versus assignment. As the Landlord has not filed an A2 application within 60 days of discovering the unauthorized occupant –by sublet or assignment – the occupancy is approved by statute on the 61st day. This is what happened here.
7. As I am not satisfied that there is a serious error in the order or the proceedings, the RTR must be denied.

It is ordered that:

1. The request to review order LTB-L-069744-25-AM, LTB-T-077852-24-AM and LTB-T-082872-24-AM issued on February 2, 2026 and amended on February 12, 2026 is denied. The order is confirmed and remains unchanged.

March 17, 2026
Date Issued

Peter Nicholson
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.