



Order under Section 69 Residential Tenancies Act, 2006

File Number: LTB-L-106011-25

In the matter of: 506, 6 GRANDSTAND PL
Toronto ON M4H1E4

Between: Centurion Property Associates Inc Landlord

And

Maria Nicole Beis Tenant

Centurion Property Associates Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Maria Nicole Beis (the 'Tenant') because the Tenant or another occupant of the rental unit has committed an illegal act or has carried out, or permitted someone to carry out an illegal trade, business or occupation in the rental unit or the residential complex.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on March 23, 2026.

Only the Landlord's representative Martin Zarnett attended the hearing.

Reasons:

Facts

1. The Tenant passed away around June, 2025. Pursuant to section 91(1) of the *Residential Tenancies Act, 2006* (RTA), the tenancy is deemed to have terminated 30 days after the Tenant's passing.
2. Other people continued to live in the unit. On September 2, 2025, an occupant of the unit stole a parcel that had been delivered to the front door of a neighbouring unit. The theft was captured on security footage. I am satisfied that it constituted an illegal act which was grounds for termination under section 61 of the RTA.
3. On October 3, 2025, the Landlord learned that the Tenant had died. At that point, it filed an application under section 100 of the RTA to evict the remaining occupants. That application will be heard separately. It is only relevant to this proceeding because it means that section 104(4) of the RTA does not apply, and there has been no deemed assignment to the occupants. The occupants are not tenants, and there is no tenancy in the unit.

4. On December 1, 2025, the Landlord gave an N6 notice of termination to the unit by mail or Xpresspost. The N6 was addressed to the Tenant, and stated that her tenancy would terminate on January 5, 2026 because of the illegal act.
5. The Landlord then applied under section 69 of the RTA “for an order terminating a tenancy and evicting the tenant” based on the N6.

Analysis

6. This case is unusual because it is an application to terminate a tenancy and evict a Tenant, but the N6 was given after the tenancy had already ended as a result of the Tenant’s death.
7. However, even though the tenancy had ended, the unit was still occupied. In these circumstances, I agree with the Landlord that it was still required to go through the eviction process set out in the RTA. The normal way to do so would be an application under section 100, which the Landlord has filed. However, I am persuaded that the Landlord was also entitled to proceed under section 61 for an eviction order to address the parcel theft.
8. Section 69 provides for two orders: one terminating a tenancy, and the other evicting the tenant. In this case, the first order is redundant because the tenancy has already terminated, but the second order is still needed. Evicting the Tenant will have the effect of also evicting the occupants.
9. The application will therefore be granted.

Relief from eviction

10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the RTA, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the RTA. The occupants did not attend the hearing to request relief.

Compensation

11. The Landlord also applies under section 87(3) for an order that the Tenant pay compensation for the use and occupation of the unit after a notice of termination has taken effect. Compensation can be ordered if the Tenant “is or was in possession of the rental unit after the termination of the tenancy.”
12. In this case, the tenancy terminated 30 days after the Tenant’s death, so she was not in possession of the unit after the termination of the tenancy. Compensation cannot be awarded.
13. I note that the Landlord’s section 100 application may result in an order that the occupants pay compensation for their use of the unit after the Tenant’s death.

Costs

14. Although not discussed at the hearing, I have decided not to order the Tenant to pay the Landlord's filing fee for this application. Costs are a discretionary remedy. I do not think it would be fair to require the Tenant's estate to pay for legal costs the Landlord incurred as a result of another person's conduct which occurred several months after the Tenant's death.

It is ordered that:

1. The tenancy between the Landlord and the Tenant has terminated pursuant to section 91(1) of the RTA.
2. The Tenant and occupants must move out of the rental unit on or before April 10, 2026.
3. If the unit is not vacated on or before April 10, 2026, then starting April 11, 2026, the Landlord may file this order with the Court Enforcement Office (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 on or after April 11, 2026.

March 30, 2026
Date Issued

Dale Whitmore
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 of the Tenant expires on October 11, 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.

