



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

File Number: LTB-L-089850-25

In the matter of: 1714, 80 MORNELLE CRT
SCARBOROUGH ON M1E4P8

Between: Enterprise Reit Operating LP Landlord

And

Jason Henfield Jr
Imani Poitier Tenants

And

Unknown Occupant(s) Unauthorized Occupant

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

Only the Landlord's Legal Representative Mark Ciobotaru and the Landlord's Agent Jo-Ann Mackenzie attended the hearing.

As of 11:08 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:

1. For the reasons that follow, I find that the Tenants transferred the occupancy of the rental unit to the Unauthorized Occupant(s) in a manner that not authorized by the *Residential Tenancies Act, 2006* (the 'Act'). There, the tenancy is terminated, the Unauthorized Occupant shall move out of the rental unit on or before April 21, 2026.
2. The Landlord's regional property manager, Jo-Ann Mckenzie testified that the Tenants entered into a lease agreement to rent the rental unit on April 11, 2020, with the tenancy commencing on May 1, 2020.
3. She stated that at no time did the Tenants request an assignment or sublet of the lease.

4. On September 29, 2025 she contacted the Tenant Jason Henfield Jr. regarding non-payment of rent. During this conversation he advised her that the Tenants were no longer residing in the rental unit.
5. She further stated that a young lady and a child had been observed in the unit and around the residential complex, but it was previously assumed that they were visiting the Tenants.
6. An inspection of the rental unit was conducted, by the Landlord, but it could not determine whose possessions were in the rental unit as the Unauthorized Occupant was not present, although a crib was observed in the unit.
7. The Tenants have not returned the keys to the Landlord and have not been observed at the rental unit or residential complex since September, 2025. Additionally the last time rent was received by the Landlords from the Tenants was a partial payment in August.
8. Section 100 of the Act allows a landlord to apply to evict an unauthorized occupant if the tenant transferred occupancy of the rental unit other than by an authorized assignment or sublet (i.e. without the landlord's consent).
9. Based on the uncontested evidence before me, I am satisfied on a balance of probabilities that the Tenants moved out of the rental unit. As the Landlord did not enter into a tenancy agreement with the Unknown Occupant(s), I find that the occupancy of the rental unit was transferred to the Unauthorized Occupant in a manner that was not authorized by the Act.
10. Subsection 100(2) of the Act requires a landlord to apply to the Board within sixty days of discovering an unauthorized occupancy. The Landlord's Agent testified that the Landlord became aware of the Unauthorized Occupant on or about September 29, 2025, when the Landlord attended at the rental unit. The application was filed on October 24, 2025. As such, the application was filed within 60 days after the Landlord discovered the unauthorized occupancy.
11. At the hearing the Landlord indicated that they were not seeking compensation for the use and occupation of the rental unit by the Unauthorized Occupant.
12. 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. The Landlord is not aware of any reasons to delay or deny an eviction.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated.
2. The Unauthorized Occupant shall move out of the rental unit before April 21, 2026.

3. If the unit is not vacated by April 21, 2026, then starting April 22, 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 April 22, 2026.
5. The Unauthorized Occupants shall pay the Landlord \$201.00 for the cost of filing the application.
6. The Unauthorized Occupant shall pay the Landlord the amount owing by April 21, 2026.
7. If the Unauthorized Occupant does not pay the Landlord the full amount owing by April 21, 2026, they will owe interest. This will be simple interest calculated from April 22, 2026, at 4.00% on the outstanding balance.

April 10, 2026
Date Issued

Sean Ramage
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 October 22, 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.