



Order under Section 100 Residential Tenancies Act, 2006

Citation: Capreit Limited Partnership v Patel, 2026 ONLTB 27777

Date: 2026-04-02

File Number: LTB-L-086488-25

In the matter of: 504, 30 Tuxedo Court
Toronto Ontario M1G3S6

Between: Capreit Limited Partnership Landlord

And

Tejaskumar Patel Tenants
Arti Tejas Patel

And

Mohammad Hashim Nawab Unauthorized Occupants
Alefiya Mohammad Hashim

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy of Tejaskumar Patel and Arti Tejas Patel (the 'Tenants') and evict Mohammad Hashim Nawab and Alefiya Mohammad Hashim (the 'Unauthorized Occupants') because the Tenants transferred occupancy of the rental unit to the Unauthorized Occupants without the Landlord's consent. The Landlord also applied for compensation by the Unauthorized Occupants for the use of the rental unit.

This application was heard by videoconference on February 18, 2026. The Landlord's agent, Suresh Nalliah, the Landlord's legal representative, Jason Paine, the first name Tenant, and the Unauthorized Occupants attended the hearing.

Determinations:

1. The Tenants transferred the occupancy of the rental unit to the Unauthorized Occupants 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 Unauthorized Occupants were in possession of the rental unit on the date the application was filed.
2. The application was filed within 60 days after the Landlord discovered the unauthorized occupancy.
3. The facts of this case were not overly disputed. The Landlord received a maintenance request through the building's tenant portal. The Landlord's staff completed an inspection on August 18, 2025, whereby the Tenants were not present- instead the Landlord's staff

found that the rental unit had been transferred to the Unauthorized Occupants. The Tenant bought a house approximately 3 years ago in Scarborough and the Unauthorized Occupants were close friends of the Tenants. The Tenants say they transferred the unit to the occupants to assist them.

4. Although all the parties were apologetic this is unauthorized by the Act and so the Landlord's application is granted, and they are entitled to an eviction order.

Daily Compensation

5. The Landlord withdrew their claim for daily compensation as there was no amount outstanding.
6. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs. Since there is no dispute that the Tenants transferred the occupancy of the rental unit, I find they shall pay the costs of filing the application.

Section 83 Considerations

7. 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 18, 2026, pursuant to subsection 83(1)(b) of the Act.
8. During the hearing the Tenants and the Unauthorized Occupants testified that they would be observing the religious holiday of Ramadan and would require some additional time to vacate the rental unit. They proposed 60 days to find other accommodations, which the Landlord consented to. The hearing was held February 18, 2026, and so April 18, 2026, is approximately 60 days from the hearing date.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated.
2. The Unauthorized Occupants shall move out of the rental unit on or before April 18, 2026.
3. If the unit is not vacated by April 18, 2026, then starting April 19, 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 19, 2026.
5. The Landlord withdrew their claim for overholding compensation.
6. The Tenants shall pay the Landlord \$201.00 for the cost of filing the application.
7. The Tenants shall pay the Landlord the full amount owing by April 13, 2026.

8. If the Tenants do not pay the Landlord the full amount owing by April 13, 2026 they will owe interest. This will be simple interest calculated from April 14, 2026 at 4.00% on the outstanding balance.

April 2, 2026
Date Issued

Curtis Begg
Member, Landlord and Tenants 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 19, 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.