



Order under Section 69 Residential Tenancies Act, 2006

Citation: 14852559 Canada Inc v RICHER, 2026 ONLTB 25319

Date: 2026-04-02

File Number: LTB-L-085201-25

In the matter of: 91 RUTILE ST
ROCKLAND ON K4K0M9

Between: 14852559 Canada Inc Landlord

And

MIREILLE RICHER Tenants
PATRICK ST. JEAN

14852559 Canada Inc (the 'Landlord') applied for an order to terminate the tenancy and evict MIREILLE RICHER and PATRICK ST. JEAN (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

The Landlord's Legal Representative, Constant Fabrice Kouassi, the Landlord, Brice Adam Abba-Moussa, and the Tenants attended the hearing.

Determinations:

Who is the Landlord?

1. At the onset of the hearing, the Tenants submit that the Landlord named in the application is not their Landlord. The Tenants say that they were served a notice of attornment of rent, dated July 16, 2025, indicating that the landlord of the rental property has failed to make payments and that the mortgage is in default, and the mortgagee in possession is The Bank of Montreal and their solicitors, Rubenstein Siegel. This means that The Bank of Montreal became the new landlord. In the notice, it gave instructions directing the Tenants on how and who to pay their rent to moving forward.
2. The Landlord's Legal Representative took the position that his client remains the Landlord to the best of their knowledge as they have not received any notice or documents that the bank has repossessed the house.

3. During the hearing, the Tenant provided a copy of the notice of attornment of rent to the Landlord's representative, and the matter was stood down to afford the representative and his client Landlord time to review the documents.
4. After some time was given to review the documents, the Landlord's Legal Representative, submitted on behalf of his client that the Landlord did not receive any official notice of his property being repossessed or the rents being attorned. They did acknowledge, that according to the letter, it does demonstrate that the Bank of Montreal is the new Landlord. The Landlord's Legal Representative then requested that the application be amended to seek payment only of those arrears owing prior to the July 2025 notice of attornment letter.

Analysis

5. Part V of the *Mortgages Act*, R.S.O. 1990, C.M.40 (the "Act") addresses circumstances such as these where a mortgagor becomes the "mortgagee in possession" of a tenanted rental property upon a default by the mortgagee. Subsection 47(1) of the Act states that a person who becomes the mortgagee in possession of a mortgaged residential complex which is the subject of a tenancy agreement between the mortgagor and a tenant, is deemed to be the landlord under the tenancy agreement.
6. Section 47(2) of the Act clarifies that a person who is the landlord under the tenancy agreement ceases to be the landlord while another person is deemed to be a landlord under subsection (1).
7. I am satisfied based on the evidence presented to me that the Landlord is no longer the Landlord. The Bank of Montreal became the new landlord on or about July 16, 2025. Since covenants run with the land pursuant to s.18 of the *Residential Tenancies Act*, 2006 (the 'RTA'), the tenancy agreement continues between the Tenants and new landlord.
8. The application was filed on October 9, 2025, with rent arrears claimed in the N4 Notice to End your Tenancy (N4 Notice) from October 2024, to September 2025. As the evidence in front of me establishes that the Landlord was not the Landlord when the application was filed, and because covenants run with the land in accordance with the Act, the application must be dismissed as there is no jurisdiction to hear the application.
9. As such, the application shall be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

April 2, 2026
Date Issued

Paula West Oreskovich
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.