



Order under Section 100 Residential Tenancies Act, 2006

Citation: Q Res V Operating LP v Mustapha, 2026 ONLTB 30487

Date: 2026-04-20

File Number: LTB-L-089871-25

In the matter of: 1316, 2777 Kipling Ave
Etobicoke Ontario M9A4M2

Between: Q Res V Operating LP Landlord

And

Adebayo Mustapha Tenants
Joke Mustapha

And

Nneamaka Perpetual Longe Unauthorized Occupant(s)
Monday Longe
Unauthorized Occupant(s)

Q Res V Operating LP (the 'Landlord') applied for an order to terminate the tenancy of Adebayo Mustapha and Joke Mustapha (the 'Tenant') and evict Nneamaka Perpetual Longe, Monday Longe and Unauthorized Occupant(s) (the 'Unauthorized Occupants') because the Tenant 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 March 30, 2026. The Landlord's Agent, Ailene Vilonia, the Landlord's witness, Jacob Muchison, the Landlord's Legal Representative, Emily Barbati, the Tenants and the Tenants' Legal Representative, Donna Keuhl, attended the hearing.

Determinations:

1. The Landlord's application alleges that the Tenants transferred occupancy of the rental unit to the Unauthorized Occupants in a manner that was not authorized by the *Residential Tenancies Act, 2006* (the 'Act').

Preliminary Issue

2. It was not disputed that the Unauthorized Occupants vacated the rental unit on January 31, 2026 and that the Tenants have been living in the rental unit since. In light of the this, the Tenants' Legal Representative submitted that there was no unauthorized occupancy.

3. Subsection 100 (1) of the Act stipulates if a tenant transfers the occupancy of a rental unit to a person in a manner other than by an assignment authorized under section 95 or a subletting authorized under section 97, the landlord may apply to the Board for an order terminating the tenancy and evicting the tenant and the person to whom occupancy of the rental unit was transferred.
4. Subsection 100(2) of the Act stipulates that an application under subsection (1) must be made no later than 60 days after the Landlord discovered the unauthorized occupancy.
5. A transfer of occupancy occurs when a tenant moves out of the rental unit, leaves someone else living there in control of the property and the rental unit ceases to be the real home of the tenant.
6. In looking at the basic timeline of events in this case, I find it unlikely that occupancy was transferred. I say this because what occurred appears to be something that was very temporary. According to the Landlord's application, the Unauthorized Occupants were discovered on October 17, 2025 and there was no dispute that they vacated the rental unit on January 31, 2026 and that the Tenants have been living in the rental unit since February 1, 2026. In my view, this is not indicative of a transfer of occupancy. The fact that the Tenants returned to the rental unit after only a few months and have resided there since suggests that the rental unit is their primary home which they intended to return to and, in fact, did return to.
7. For these reasons, the application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

April 20, 2026
Date Issued

Rachel Gibbons
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.