



**Order under Section 100 101
Residential Tenancies Act, 2006**

File Number: LTB-L-098678-25

In the matter of: 1003, 7 Capri Road
Toronto Ontario M9B6B9

Between: Toronto Community Housing Corporation Landlord

And

Siphiwe Tobile Kunene Tenant

And

Arderemi Ladega Unauthorized Occupant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy of Siphiwe Tobile Kunene (the 'Tenant') and evict Arderemi Ladega (the 'Unauthorized Occupant') because the Tenant transferred occupancy of the rental unit to the Unauthorized Occupant without the Landlord's consent. The Landlord also applied for compensation by the Unauthorized Occupant for the use of the rental unit.

Toronto Community Housing Corporation (the 'Landlord') applied for an order to evict (the 'Subtenant') because the subtenancy ended and the Subtenant continues to occupy the rental unit.

This application was heard by videoconference on April 15, 2026.

Only the Landlord's representative, Chelsea Rostant, and Landlord's witness, Gyllian Rosen, attended the hearing. As of 9:57 a.m., neither the Tenant nor the Unauthorized Occupant was 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. Based on the uncontested evidence before the Board, I am satisfied, on a balance of probabilities, that the Tenant transferred the occupancy of the rental unit to the Unauthorized Occupant 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.
2. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.

3. The Tenant signed a lease for the rental unit on October 30, 2014, for the tenancy to commence on November 1, 2014.
4. The Landlord's witness Gyllian Rosen ('GR') testified that the Landlord became aware of the Unauthorized Occupant on or about February 13, 2025, a tenant service coordinator has spoken with a male in the parking lot, that claimed to live in the unit along with his brother. The Tenant stated on May 27, 2025, that she is out of Canada and hasn't been in Canada for more than 3 years now.
5. She testified that when the Landlord's staff entered the unit, they found that there were only male adult belongings and mail addressed to different individuals, and no female belongings were found in the unit. She submitted photos into evidence.
6. The Landlord checked its cardholder history report but did not find that the Tenant used the fob to enter the building. This would suggest that the Tenant was not coming to the building.
7. I find them sufficient to prove, on a balance of probabilities, that the Tenant does not live in the unit. Based on the uncontested evidence before the Board, I find that the Unauthorized Occupant took over the rental unit improperly and started occupying the unit without permission from the Landlord. I have no reason to deny the eviction order requested by the Landlord.
8. The Landlord is a "Designated Housing Project" as listed in Schedule 33 of Ontario Regulation 368/11 under the Housing Services Act, 2011 (the "HAS"). As such, pursuant to section 7(1) of the Act, the Landlord is exempt from section 100(2) and 104(4) of the Act and permitted to file this application more than 60 days after having discovered the unauthorized occupancy.
9. The Landlords are entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupants from February 13, 2025, the date they discovered the unauthorized occupancy based on the market rent in the amount of \$1,992.00.
10. The Unauthorized Occupant owes the Landlord \$27,964.23 in daily compensation for use and occupation of the rental unit for the period from February 13, 2025, to the April 15, 2026.
11. Based on the Monthly rent, the daily compensation is \$65.49. This amount is calculated as follows: \$1992.00 x 12 months, divided by 365 days.
12. Since the Landlord became aware of the Unauthorized Occupant, the Tenant and/or the Unauthorized Occupant paid the Landlord \$0.00 in compensation for use of the rental unit.
13. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs. It was uncontested that the Landlord advised the Unauthorized Occupant to vacate the rental unit prior to filing the A2 application. Due to the Unauthorized Occupant's failure to vacate the rental unit, the

Landlord had to file the application. As such, I find it appropriate to order the Unauthorized Occupant to pay the cost of filing the application.

14. 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 Unauthorized Occupant did not attend the hearing to provide the Board with evidence of their circumstances.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated.
2. The Unauthorized Occupant shall move out of the rental unit on or before May 4, 2026.
3. If the unit is not vacated by May 4, 2026, then starting May 5, 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 May 5, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$27,964.23 which represents daily compensation for the use of the rental unit from February 13, 2025 to the April 15, 2026.
6. The Unauthorized Occupant shall also pay the Landlord \$201.00 for the cost of filing the application.
7. The Unauthorized Occupant shall pay the Landlord the full amount owing by May 4, 2026.
8. If the Unauthorized Occupant does not pay the Landlord the full amount owing by May 4, 2026 they will owe interest. This will be simple interest calculated from May 5, 2026 at 4.00% on the outstanding balance.

April 23, 2026
Date Issued

Vinuri Sivalingam
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 November 5, 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.