



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

**Citation:** Toronto Community Housing Corp v Morales, 2026 ONLTB 33760

**Date:** 2026-04-30

**File Number:** LTB-L-089797-25

**In the matter of:** 601, 102 Tyndall Avenue  
Toronto On M6K2E2

**Between:** Toronto Community Housing Corp Landlord

**And**

Alexander Cabezas Morales Tenant  
Unknown Occupant(s)

Toronto Community Housing Corp (the 'Landlord') applied for an order to terminate the tenancy of Alexander Cabezas Morales (the 'Tenant') and evict 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.

This application was heard by videoconference on March 26, 2026.

Only the Landlord's agent, Camille Abraham, and the Landlord's representative, Tavis King, attended the hearing.

As of 9:09 a.m., neither the Tenant 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. The application alleges that the Tenant vacated the unit in or around July 2025 and improperly transferred occupancy of the unit to an unknown Unauthorized occupant.
2. For the following reasons, I find that the Tenant, on a balance of probabilities, 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.
3. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.

4. Section 100 of the Act provides:

100 (1) 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.

(2) An application under subsection (1) must be made no later than 60 days after the landlord discovers the unauthorized occupancy.

(3) A landlord who makes an application under subsection (1) may also apply to the Board for an order for the payment of compensation by the unauthorized occupant for the use and occupation of the rental unit, if the unauthorized occupant is in possession of the rental unit at the time the application is made.

5. The application was filed on October 20, 2025 which is outside of the sixty days after the Landlord discovered the unauthorized occupancy. However, the Landlord's representative stated that the unit is a rent-geared-to-income ('RGI') unit and that the Landlord is exempt from Section 100(2) pursuant to Section 7 of the Act which provides:

7 (1) Paragraphs 6, 7 and 8 of subsection 30 (1), sections 48.1, 49.1, 51, 52, 54, 55, 56 and 95 to 99, subsection 100 (2) and sections 101, 102, 104, 111 to 115, 117, 120, 121, 122, 126 to 133, 140, 143, 149, 150, 151, 159, 165 and 167 do not apply with respect to a rental unit described below:

2. A rental unit in a designated housing project as defined in the *Housing Services Act, 2011* that is owned, operated or managed by a service manager or local housing corporation as defined in that Act.

3. A rental unit located in a non-profit housing project or other residential complex, if the non-profit housing project or other residential complex was developed or acquired under a prescribed federal, provincial or municipal program and continues to operate under,....

6. I find, based on the Landlord's uncontested evidence, that the rental unit is a rent-geared-to-income unit operated by a local housing corporation within the meaning of section 7(1) of the Act and that the Landlord is exempted by Section 7 (1) to file an application pursuant to section 100 of the Act outside of the 60-day period as prescribed in 100(2).

*Landlord's evidence*

7. The Landlord's agent is the Landlord's supervisor for tenancy management in the central region. She produced a copy of the tenancy agreement [Doc 7313656, page 4-15] which confirms that there were no other occupants in the unit. She confirmed that the Landlord did not sign a lease for the unit with any other tenant or occupant and that the Tenant is not allowed to transfer the RGI unit to any other individual. At no time did the Landlord receive notice of termination of the tenancy from the Tenant.

8. On October 1, 2024, the Landlord received rent in the amount of \$139.00 by way of preauthorized transfer. No rent has been received since that payment. On November 26, 2024, the Landlord's staff called the Tenant's number on file to advise that rent had not been paid. Despite numerous attempts thereafter to contact the Tenant, including attempting to contact family members, the Tenant did not respond. When the Landlord was finally able to connect with the Tenant's brother, they were told that the Tenant had been out of the country since the summer of 2024 and that they did not know when the Tenant would return.
9. On May 1, 2025, the Tenant was issued a loss of eligibility notice because they did not submit the requisite documentation and the Landlord believed that someone else was living in the unit. The Tenant never appealed the loss of subsidy. As such, the monthly rent increased to \$1,708.00. The Tenant's brother subsequently emailed the Landlord to advise that the Tenant would not be maintaining the tenancy. On December 9, 2025, Landlord staff confirmed that the person living in the unit was not the Tenant.
10. Based on the Landlord's uncontested evidence, I find that the Tenant, on a balance of probabilities, 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.

#### Daily Compensation

11. The Landlord is entitled to compensation for the use and occupation of the Rental Unit by the Unauthorized Occupant pursuant to subsection 100(3).
12. A precondition for compensation under this provision is that Occupant was in possession of the rental unit at the time the Landlord made the application. I am satisfied that that the occupant was still in possession of the Rental Unit when the Landlord filed the application.
13. Further, since the Tenant's eligibility for RI assistance was cancelled, daily compensation will be calculated using the market rent for the rental unit, which in this case is: \$1,708.00. The Landlord requests daily compensation from the date of filing of the application, being October 20, 2025.
14. The Unauthorized Occupant owes the Landlord \$8,871.70 in daily compensation for use and occupation of the rental unit for the period from October 20, 2025 to the March 26, 2026.
15. Based on the Monthly rent, the daily compensation is \$56.15. This amount is calculated as follows: \$1,708.00 x 12 months, divided by 365 days.
16. Neither the Tenant nor the Unauthorized Occupant have paid the Landlord compensation for use of the rental unit since October 31, 2025.
17. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

Section 83 Considerations

18. 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. Neither the Tenant nor the Unauthorized Occupant attended the hearing to provide 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 11, 2026.
3. If the unit is not vacated by May 11, 2026, then starting May 12, 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 12, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$8,871.70 which represents daily compensation for the use of the rental unit from October 20, 2025 to the March 26, 2026.
6. The Unauthorized Occupant shall also pay to the Landlord \$56.15 per day for compensation for the use of the unit from March 27, 2026 to the date they move out of the unit.
7. The Unauthorized Occupant shall also pay the Landlord \$201.00 for the cost of filing the application.
8. The Unauthorized Occupant shall pay the Landlord the full amount owing by May 11, 2026.
9. If the Unauthorized Occupant does not pay the Landlord the full amount owing by May 11, 2026 they will owe interest. This will be simple interest calculated from May 12, 2026 at 4.00% on the outstanding balance.

**April 30, 2026**  
**Date Issued**

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Karen Gonçalves  
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 12, 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.