



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

File Number: LTB-L-104126-25

In the matter of: Attic, 67 Isaac Devins Boulevard
Toronto Ontario M9W0C9

Between: Alison Latchana Landlord

And

Melissa Jacqueline Sarah Miller Unauthorized Occupant

Alison Latchana (the 'Landlord') applied for an order to terminate the tenancy of (the 'Tenant') and evict Melissa Jacqueline Sarah Miller (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.

Alison Latchana (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 23, 2026.

Only the Landlord and Landlord's representative, Jimmy Gangadin, attended the hearing.

As of 10:08 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 moved into the rental unit on July 1, 2025.
4. The Landlord testified that the Tenant is her brother and he lived there with his girlfriend Melissa Jacqueline Sarah Miller.

5. The Landlord testified that she first became aware of the Unauthorized Occupant after learning the tenant notified her that he vacated on September 30, 2025. As of October 1, 2025, the Unauthorized Occupant did not vacate and still resides in the unit. She has not made any payments either.
6. The Landlord continued to regularly visit the rental unit. The Landlord saw movement and heard noise from inside the rental unit. The Landlord was afraid to enter the rental unit without being let in as there was a dog in the rental unit. However, since then, the Unauthorized Occupant has changed the locks and did not provide a key to the Landlord.
7. Based on the uncontested evidence provided by the Landlord at the hearing, 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. 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.
9. The application was filed within 60 days after the Landlord discovered the unauthorized occupancy. I accept the Landlord's evidence that he first became aware of the Unauthorized Occupant on October 1, 2025. The application was filed November 4, 2025.

Daily Compensation

10. The Landlord is entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupant.
11. The Unauthorized Occupant owes the Landlord \$5,055.30 in daily compensation for use and occupation of the rental unit for the period from October 1, 2025 to the April 23, 2026.
12. Based on the Monthly rent, the daily compensation is \$24.66. This amount is calculated as follows: \$750.00 x 12 months, divided by 365 days.
13. 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.
14. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

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 17, 2026.

3. If the unit is not vacated by May 17, 2026, then starting May 18, 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 18, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$5,055.30 which represents daily compensation for the use of the rental unit from October 1, 2025 to the April 23, 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 17, 2026.
8. If the Unauthorized Occupant does not pay the Landlord the full amount owing by May 17, 2026 they will owe interest. This will be simple interest calculated from May 18, 2026 at 4.00% on the outstanding balance.

May 6, 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 18, 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.