



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

File Number: LTB-L-024235-26

In the matter of: 306, 580 BEATRICE ST E
OSHAWA ON L1K2G2

Between: Durham Region Non-Profit Housing Corp. Landlord

And

The Estate of Brian Fisher Senior Tenant

And

Brian Fisher Junior (Unauthorized Occupant) Unauthorized Occupant

Durham Region Non-Profit Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy of The Estate of Brian Fisher Senior (the 'Tenant') and evict Brian Fisher Junior (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 May 12, 2026.

The Landlord's Agent, Ginger Teoh and the Landlord's Representative, Lindsey Whitehouse, and the Unauthorized Occupant's Agent, Brittany Stevenson Fisher attended the hearing.

Determinations:

Unauthorized transfer of the tenancy:

1. The Landlord's Agent, Ginger Teoh (G.T.), is employed by the Landlord in the capacity of a director of tenant services. Her work duties essentially deal with all issues relating to tenant issues, concerns, or relations and she has held this position for approximately five years now.
2. G.T. testified that the sole Tenant on the residential lease agreement was Brian Fisher, and that the Landlord never agreed or consented to adding any additional tenants nor did the Landlord consent to the transfer of the tenancy. The Landlord tendered a copy of the lease agreement which identified one tenant as Brian Fisher.

3. G.T. testified that on or about January 29, 2026, the Landlord was notified of the passing of the Tenant residing in this rental unit. The Tenant passed away on or about January 26, 2026.
4. On or about February 5, 2026, the Landlord was informed by the Superintendent that someone was still occupying the rental unit. The Landlord contacted the Tenant's emergency contact being his daughter, Brittany Stevenson Fisher, who confirmed with the Landlord that her brother, the son of the late Tenant was still residing in the rental unit. Upon discovering that the unit was still occupied by the late Tenant's son, the Landlord forwarded correspondence to the Occupant advising them that the transfer of the tenancy was not authorized and the Occupant had to vacate the unit on or before March 5, 2026. A copy of the letter dated February 5, 2026, was uploaded to the portal as evidence by the Landlord.
5. G.T. testified that the Occupant remains in the rental unit, refuses to vacate, and has not made any payments towards the rent or daily compensation for occupancy of the unit. The Landlord did receive a portion of the compensation from the late Tenant's financial assistance. This money was applied to the amount owing for the period of February 5, 2026, through to May 12, 2026.
6. The Tenant's Agent, Brittany Stevenson Fisher, argued that the Unauthorized Occupant is the son of the late Tenant and that he continued to occupy the unit after the passing of his later father. No evidence was tendered to suggest that the Occupant had the consent of the Landlord.
7. Based on the evidence, I am satisfied 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.
8. The Unauthorized Occupant was in possession of the rental unit on the date the application was filed.
9. The application was filed within 60 days after the Landlord discovered the unauthorized occupancy.

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 \$1,174.00 in daily compensation for use and occupation of the rental unit for the period from February 5, 2026, to the May 12, 2026.
12. Based on the Monthly rent, the daily compensation is \$47.74. This amount is calculated as follows: \$1452.00 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. The Landlord has received a portion of the payments directly from the late Tenant's financial assistance.
14. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs. These costs are payable by the Unauthorized Occupant.

Section 83 Considerations

15. The Landlord was unaware of any circumstances that may require the Board to consider delaying or denying termination of the tenancy and sought the issuance of a standard order. The Landlord argued that the Occupant has had ample time already and that any delay would prejudice the Landlord.
16. The Tenant's Agent requested relief by way of an extension of time to allow the Occupant to secure housing for his late father's pets and secure alternative housing for himself.
17. Given the circumstances, I find that it would not be unreasonable to allow the Unauthorized Occupant a short extension of time to allow them an opportunity to safely house the animals in the unit and secure alternative housing for himself.
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 not be unfair to postpone the eviction until June 15, 2026, pursuant to subsection 83(1)(b) of the Act.

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 June 15, 2026.
3. If the unit is not vacated by June 15, 2026, then starting June 16, 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 June 16, 2026.
5. The Unauthorized Occupant shall pay to the Landlord \$1,174.00 which represents daily compensation for the use of the rental unit from February 5, 2026, to the May 12, 2026. This amount accounts for any/all payments received by the Landlord from the late Tenant's financial assistance.
6. The Unauthorized Occupant shall also pay to the Landlord \$47.74 per day for compensation for the use of the unit from May 13, 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 June 7, 2026.
9. If the Unauthorized Occupant does not pay the Landlord the full amount owing by June 7, 2026, they will owe interest. This will be simple interest calculated from June 8, 2026, at 4.00% on the outstanding balance.

May 27, 2026
Date Issued

Ilan Shingait
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 December 16, 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.