



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Uddin v Willson, 2026 ONLTB 39681

Date: 2026-05-19

File Number: LTB-L-099671-25-RV

In the matter of: Apt 8, 498 WEST ST
BRANTFORD ON N3R3W7

Between: Jashim Uddin Landlord

And

Samantha Willson Tenant

Patrick Leverance Potential Party

Review Order

Jashim Uddin (the 'Landlord') applied for an order to terminate the tenancy and evict Samantha Willson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-099671-25 issued on February 9, 2026.

On February 20, 2026, the Potential Party requested a review of the order and that the order be stayed until the request to review the order is resolved.

On February 23, 2026, interim order LTB-L-099671-25-RV-IN was issued, staying the order issued on February 9, 2026.

This application was heard by videoconference on March 30, 2026.

The Landlord, the Potential Party and the Potential Party's Legal Representative Ayesha Ashraf attended the hearing.

Determinations:

1. The Landlord filed an L1 application against Samantha Wilson seeking termination of the tenancy, eviction, and arrears of rent.
2. At the review hearing, the evidence established that Samantha Wilson had died before the L1 application was filed on November 26, 2025.

3. The Landlord acknowledged at the hearing that, by December 2025, he became aware both that Samantha Wilson had passed away and that Patrick Leverance was residing in the rental unit and seeking to remain there.
4. Despite this knowledge, the Landlord continued to pursue the L1 application against the deceased Tenant rather than commencing the appropriate application under the “*Act*” to determine the status of the person remaining in possession.
5. Section 2(1) of the *Act* defines a “*tenant*” as a person who pays rent in return for the right to occupy a rental unit and includes the tenant’s heirs, assigns and personal representatives, but does not include a person who has the right to occupy by virtue of being a spouse of a tenant. The *Act* further defines “*spouse*” to include a person to whom the individual is married or with whom the individual is living in a conjugal relationship outside marriage.
6. Section 91(1) of the ‘*Act*’ provides that where a tenant dies and there are no other tenants of the rental unit, the tenancy is deemed terminated 30 days after the death of the tenant.
7. Samantha Wilson was the sole named tenant on the tenancy agreement and in this proceeding. There was no evidence before the Board that any other person was a tenant of the rental unit at the time of her death.
8. As a result, by operation of section 91 of the ‘*Act*’, the tenancy was deemed terminated 30 days after Samantha Wilson’s death. By the time the Landlord filed the L1 application, there was no longer an existing tenancy with Samantha Wilson capable of being terminated by the Board.
9. An L1 application is available only where a landlord seeks eviction of a tenant who remains in possession of the rental unit and owes rent under an existing tenancy. The Board’s jurisdiction under an L1 depends on there being both:
 - a. a valid landlord and tenant relationship at the time the application is filed; and
 - b. a tenant in possession against whom termination and eviction relief can be granted.
10. A deceased person cannot remain in possession of a rental unit, cannot pay ongoing rent, and cannot be the proper respondent to an eviction proceeding for non-payment of rent. Once the tenant is deceased and the tenancy has terminated by statute, the Board cannot grant eviction relief against that person through an L1 application.
11. The Board’s own Form L1 Instructions expressly state that an L1 application cannot be filed where the tenant has moved out of the rental unit. Death is an even stronger circumstance because the tenancy is terminated by operation of law under section 91 of the ‘*Act*’, not merely by vacancy.
12. The Board’s jurisdiction must exist when the application is commenced and cannot be created afterward by later events or later-discovered evidence. The fact that another occupant may have remained in the unit does not revive the deceased tenant’s tenancy or validate an L1 filed against a person who was already deceased.

13. Once the Landlord became aware that Patrick Leverance remained in possession, the proper course was to determine his legal status through the appropriate application under the 'Act', including whether he was an unauthorized occupant, a deemed assignee, or otherwise entitled to remain in possession. Those issues cannot be determined within an L1 proceeding against a deceased tenant.
14. Because Samantha Wilson had already passed away before this application was commenced, there was no proper tenant respondent before the Board and no jurisdiction to grant termination, eviction, or arrears relief through this L1 application.
15. On the basis of the submissions made in the request, I am satisfied that there is a serious error in the order or that a serious error occurred in the proceedings and that the Tenant was not reasonably able to participate in the proceeding.
16. Therefore, the Tenant's request to review order LTB-L-099671-25, issued on February 9, 2026, is granted and a de-novo hearing proceeded.

It is ordered that:

1. The Board's jurisdiction under section 69 of the 'Act' to grant termination and eviction on an L1 application is contingent upon the existence of a valid landlord and tenant relationship and a tenant in possession at the time the application is filed
2. These statutory preconditions were not met. A deceased person cannot be a tenant in possession, cannot incur ongoing rental obligations, and cannot be the subject of an L1 eviction proceedings.
3. Because jurisdiction must exist at the time an application is filed, it cannot be retroactively created by the presence of an occupant in the unit after the tenancy has terminated by operation of section 91 of the 'Act'.
4. The evidence further establishes that the Landlord became aware, by December 2025, of the tenant's death and that Patrick Leverance remained in possession of the rental unit. Despite this knowledge, the Landlord did not pursue the appropriate remedies available under the 'Act' to determine Mr. Leverance's legal status, such as whether he was an unauthorized occupant, a deemed assignee, or otherwise entitled to remain in possession. The Landlord continued to pursue the L1 Application against the deceased Ms. Wilson, did not inform the Board at the hearing about her death and obtained an eviction order against her.
5. As a result, Order LTB-L-099671-25 issued on February 9, 2026, is cancelled.
6. The Landlord's L1 application is dismissed for lack of jurisdiction.
7. This order does not determine Patrick Deliverance's legal status in the rental unit. Any such issue must be addressed in a properly commenced application under the 'Act'.

May 19, 2026
Date Issued

Anthony Bruno
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.