



Order under Section 100 Residential Tenancies Act, 2006

File Number: LTB-L-015026-26

In the matter of: 246 Walmer Road
Toronto ON M5R3R7

Between: 246 Walmer Road Limited Landlord

And

Paul Chak Bor Li Unauthorized Occupant
Unknown Occupant(s) 2
Unknown Occupant(s) 1

246 Walmer Road Limited (the 'Landlord') applied for an order to terminate the tenancy of (the 'Tenant') and evict Paul Chak Bor Li, Unknown Occupant(s) 2 and Unknown Occupant(s) 1 (the 'Unauthorized Occupant') because the Tenant transferred occupancy of the rental unit to the Unauthorized Occupant without the Landlord's consent.

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

Only the Landlord's agent Frank Mondelli and the Landlord's representative Howard Levenson attended the hearing.

The Unauthorized Occupants were not 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. For the reasons explained at the hearing, the Landlord's application must be dismissed as the *Residential Tenancies Act, 2006* (the 'Act') does not apply.
2. The named Unauthorized Occupant Paul Li (PL) owned the subject property. Frank Mondelli (FM) became the owner of the subject property through Power of Sale on Decembre 29, 2025. FM testified PL refuses to leave the property.
3. Subsection 2(1) of the Act defines a landlord and a tenant:

"landlord" includes,

(a) the owner of a rental unit ... who permits occupancy of a rental unit...

"tenant" includes a person who pays rent in return for the right to occupy a rental unit...

4. I find FM does not fit the definition of landlord; FM did not permit PL to occupy the subject property.
5. I find PL do not fit the definition of a tenant; PL has not paid any money to FM in exchange to occupy the subject property.
6. Based on these findings, the Act does not apply. Therefore, the named Landlord's application must be dismissed.

It is ordered that:

1. The Landlord's application is dismissed.

May 20, 2026
Date Issued

Elena Jacob
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.