



**Order under Section 69 / 90
Residential Tenancies Act, 2006**

File Number: LTB-L-059592-24

In the matter of: 2001, 20 FALSTAFF AVE
NORTH YORK ON M6L2C8

Between: Toronto Community Housing Corporation Landlord

And

Abi Issa Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Abi Issa (the 'Tenant') because:

- the Tenant has knowingly misrepresented the Tenant's income or the income of other members of the Tenant's family who occupy the unit.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The Landlord also applied for an order requiring the Tenant to pay the money the Tenant would have been required to pay if the Tenant had not misrepresented their income or that of other members of their household.

This application was heard by videoconference on March 6, 2025, and completed on May 21, 2026.

Only the Landlord's Representative, Jessica Fletcher and the Landlord's Witness, Kathiresu Cheliyan attended the hearing on March 6, 2025.

Only the Landlord's Representative, Lee Ann Thibert, attended the hearing on May 21, 2026.

As of 9:33 a.m., the Tenant was not present or represented on either hearing date 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 Landlord's Witness, Kathiresu Cheliyan (K.C.) is employed by the Landlord as an investigator, and he has held this position for approximately 7 years and has been employed with the Landlord for approximately 17 years. K.C. conducted a thorough investigation into the rental unit and who occupied the rental unit.
2. Based on the uncontested evidence of the Landlord's Witness, the Board is satisfied that the Tenant misrepresented his income by failing to provide the Landlord with relevant changes to his household composition during the course of his tenancy.
3. The Landlord takes the position that the Tenant was in possession at the time the application was filed because the tenancy had not been terminated in accordance with the Act. The best evidence of the Landlord was that the Tenant continued to pay the subsidized rent, and it was the position of the Landlord the Tenant retained the right to occupy at all material times.
4. However, I disagree the Tenant was in possession. Having considered the testimony of the investigator, the review of video footage, the FOB access to building records, the Board is not satisfied that at the time the application was filed, the Tenant was in possession. I make this finding because after February 2024, the Tenant is not seen in any video footage entering or exiting the unit again. The door was always answered by the occupant and never by the Tenant. The occupant received mail at the building. No witnesses were summoned to identify that the Tenant had been seen at the building despite the video footage. Images of the occupant were also entered into evidence.
5. With respect to the Landlord's position that the Tenant had the right to occupy at all material times, the Landlord simultaneously filed an (A2) application to terminate the occupancy of the unauthorized occupant. LTBL-065676-24, the A2 application was filed on the same day the L2 for misrepresentation was filed with the Board. If the Tenant was in possession at the time the A2 was filed, that application could not be granted because it required an unauthorized transfer of the tenancy. The success of that application relies on the fact the Tenant was no longer in possession. Accordingly, I am not satisfied there is sufficient evidence to support the Tenant retained the right to occupy.
6. The Landlord became aware of the Tenant no longer residing in the rental unit and permitting someone other than the Tenant to reside in the unit. The documentary and oral testimony demonstrated that as of February 19, 2024, the Tenant no longer occupied the rental unit. Rather, the evidence demonstrated that the unit was occupied by another individual and that the Tenant did not visit or occupy the rental unit between the period of February 19, 2024, through to the date of the previous hearing on March 6, 2025. The evidence tendered included fob reports showing the time, date and use of a specific fob associated with the rental unit, and video footage images linked to the fob reports identifying the individual using the fob.
7. The Landlord's application was filed on July 25, 2024.

8. Section 90 of the Residential Tenancies Act, 2006, reads as follows:

90 If a landlord has a right to give a notice of termination under section 60, the landlord may apply to the Board for an order for the payment of money the tenant would have been required to pay if the tenant had not misrepresented his or her income or that of other members of his or her household, so long as the application is made while the tenant is in possession of the rental unit.

9. Based on the evidence, I am satisfied that the Tenant misrepresented his income by failing to report any changes in household composition and thereby any additional income that the household may have been subject to. However, the Tenant was not in possession when the application was filed and as such I have no jurisdiction to issue an award or order the termination of this tenancy.

It is ordered that:

1. The application is dismissed.

June 1, 2026
Date Issued

Ilan Shingait
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.