



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

Citation: Tivoli Towers v Pusey, 2026 ONLTB 46718

Date: 2026-06-11

File Number: LTB-L-030649-25-RV

In the matter of: 105, 230 Woolner Avenue
Toronto Ontario M6N1Y7

Between: Tivoli Towers Landlord

And

Roy L Pusey Tenant

And

Unauthorized Occupant(s) Unauthorized
Occupant

Review Order

Tivoli Towers (the 'Landlord') applied for an order to terminate the tenancy of Roy L Pusey (the 'Tenant') and evict Unauthorized Occupant(s) (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 resolved by order LTB-L-030649-25, issued on May 22, 2026.

On June 11, 2026, the Tenant requested a review of the order.

A preliminary review of the review request was completed without a hearing.

Reasons:

1. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that a serious error occurred in the proceedings.
2. On the evidence before her, the Member found that the Tenant had moved out of the rental unit and permitted other people to move in, thereby transferring occupancy of the unit. The Landlord did not consent to the transfer of occupancy. The Member ordered the tenancy terminated pursuant to section 100 of the *Residential Tenancies Act, 2006* (RTA).

3. The Tenant's submissions on review are lengthy, repetitive, and poorly organized. However, he essentially makes two arguments. The first is that the Member erred in her assessment of the evidence.
4. The Member who heard the evidence was in the best position to assess it. The purpose of a review is not to re-assess the evidence or to substitute my assessment of the evidence for the Member's.
5. The Tenant points out, correctly, that the evidence that he had moved out of the unit was circumstantial. The evidence was that he had not been seen coming or going from the unit for a long time, either by the Landlord's staff or on the Landlord's security cameras, and that other people appeared to be living in the unit. While circumstantial, the evidence was clearly sufficient to support an inference that the Tenant no longer lived in the unit.
6. The Tenant argues that the Member erred by preferring circumstantial evidence over his and his daughters' testimony that he still lived in the unit. There is no merit to that argument. The Member gave detailed reasons for finding that the Tenant's and his daughter's testimony was not credible, including significant contradictions, highly implausible claims, shifting testimony, evasiveness, and a lack of corroborating evidence that ought to have been readily available.
7. I am therefore not satisfied that the Member erred in concluding, on the evidence before her, that the Tenant had moved out of the unit and permitted other people to move in. Those facts constituted a transfer of occupancy within the meaning of section 100.
8. The Tenant's second argument is that, in deciding not to grant relief from eviction under section 83 of the RTA, the Member failed to consider his circumstances and the impact that eviction would have on him.
9. There is no merit to that argument either. The Member found that the Tenant no longer lived in the unit. Consequently, he was not being evicted. The Member properly considered the impact that eviction would have on the actual occupants of the unit. Since the parties did not adduce any evidence of the occupants' circumstances, there was no basis for the Member to grant relief from eviction.
10. For those reasons, I am not satisfied that the Member erred. The review will be denied.

It is ordered that:

1. The request to review order LTB-L-030649-25, issued on May 22, 2026, is denied. The order is confirmed and remains unchanged.

June 11, 2026
Date Issued

Dale Whitmore
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.