



Order under Section 100 Residential Tenancies Act, 2006

File Number: LTB-L-012455-26

In the matter of: Apt 3, 539 Bay Street
Midland ON L4R1L4

Between: Paul Wilson Landlord

And

Franco Vatalaro Tenant

And

John Macneal Unauthorized Occupant
Kayla Vallaincourt

Paul Wilson (the 'Landlord') applied for an order to terminate the tenancy of Franco Vatalaro (the 'Tenant') and evict John Macneal and Kayla Vallaincourt (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 June 16, 2026.

Only the Landlord and the Landlord's representative John Cramer attended the hearing.

Determinations:

1. The Landlord's A2 application was filed February 1, 2026 pursuant to [subsection 100\(1\)](#) of the [Residential Tenancies Act, 2006](#) (the '[Act](#)') which states as follows:

If a tenant transfers the occupancy of a rental unit to a person in a manner other than by an assignment authorized under section 95 or a subletting authorized under section 97, the landlord may apply to the Board for an order terminating the tenancy and evicting the tenant and the person to whom occupancy of the rental unit was transferred.

2. The Landlord alleges that the tenant Franco Vatalaro (the "Tenant") vacated the rental unit on January 31, 2026 and transferred occupancy of the rental unit to John Macneal and Kayla Vallaincourt without the Landlord's consent.

3. The Landlord did not enter into a tenancy agreement with John Macneal and Kayla Vallaincourt.
4. Based upon the evidence presented, I find 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').
5. The Unauthorized Occupants were in possession of the rental unit on the date the application was filed. The application was also filed within 60 days after the Landlord discovered the unauthorized occupancy.

Daily Compensation

6. At the hearing, the Landlord advised that Kayla Vallaincourt was no longer residing in the rental unit and the Landlord sought only to pursue a remedy as against the Unauthorized Occupant John Macneal.
7. The Landlord is entitled to compensation for the use and occupation of the rental unit by the Unauthorized Occupant John Macneal.
8. The Unauthorized Occupant John Macneal owes the Landlord \$8,048.48 in daily compensation for use and occupation of the rental unit for the period from February 1, 2026 to June 16, 2026.
9. Based on the Monthly rent, the daily compensation is \$59.18. This amount is calculated as follows: \$1800.00 x 12 months, divided by 365 days.
10. 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.
11. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs by the Unauthorized Occupant John Macneal.

Section 83 Considerations

12. Section 83 requires that I consider all the circumstances, including the parties' situations to determine if it would be appropriate to grant section 83 relief from eviction.
13. The Landlord advised that the Unauthorized Occupant John Macneal is potentially engaging in drug trafficking and has caused damage to the building. The Landlord seeks an eviction without delay and noted the Unauthorized Occupant's presence poses a safety concern to others in the building.
14. The Tenant/Unauthorized Occupant did not attend the hearing, and thus did not provide any evidence that may be relevant to my determination under s. 83

15. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) 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 July 5, 2026.
3. If the unit is not vacated by July 5, 2026, then starting July 6, 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 July 6, 2026.
5. The Unauthorized Occupant John Macneal shall pay to the Landlord \$8,048.48 which represents daily compensation for the use of the rental unit from February 1, 2026 to June 16, 2026.
6. The Unauthorized Occupant John Macneal shall also pay to the Landlord \$59.18 per day for compensation for the use of the unit from June 17, 2026 to the date they move out of the unit.
7. The Unauthorized Occupant John Macneal shall also pay the Landlord \$201.00 for the cost of filing the application.
8. The Unauthorized Occupant John Macneal shall pay the Landlord the full amount owing by July 5, 2026.
9. If the Unauthorized Occupant John Macneal does not pay the Landlord the full amount owing by July 5, 2026 they will owe interest. This will be simple interest calculated from July 6, 2026 at 4.00% on the outstanding balance.

June 24, 2026
Date Issued

Peter Nicholson

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 January 6, 2027 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.