



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

File Number: LTB-L-013754-26

In the matter of: 1002, 1695 DERSAN ST
PICKERING ON L1X0S9

Between: Brock Dersan Developments Inc. Landlord

And

Toyin Oluwole Ayewumi Tenants
Joshua Adebayo Adeyemo

Brock Dersan Developments Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Toyin Oluwole Ayewumi and Joshua Adebayo Adeyemo (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on May 21, 2026.

The Landlord's Legal Representative, Howard Levenson, and the Tenants attended the hearing.

It is determined that:

1. As explained below, the Landlord's Application shall be dismissed.
2. The burden of proof falls on the applicant, which is the Landlord, to prove on a balance of probabilities the amount of rental arrears they are entitled to. In this case, the Landlord has not met its burden of proof.
3. While it should be noted that both parties did not provide sufficient information for the Board to decide on various legal relationships, there was at the same time a lack of evidence presented about the terms of a subtenancy that would comply with the terms of the *Residential Tenancies Act, 2006* (the 'Act').
4. The Landlord's Legal Representative stated that he was only hired for this application and was unfamiliar with anything outside of the L1 application. With that, the Landlord's Legal Representative was thusly unfamiliar with the relationship between the Landlord and Tenants, and accordingly the subtenancy which has a direct impact on this application and the claim for arrears.
5. While the Landlord's Legal Representative was only hired for this particular application, they ought to have known about the circumstances surrounding the relationship between

the Landlord, Tenants, and subtenant, in order to discharge the Landlord's burden of proof in establishing rental arrears they are entitled to.

6. Therefore, based on the lack of sufficient evidence provided by the Landlord, I cannot determine whether this new lease is lawful or not by reason of not knowing the status and validity of the new subtenancy; moreover, I cannot determine the lawful amount and to what date rental arrears are owed by the Tenants. In addition, with the onus being on the Landlord to prove its case, I find that on a balance of probabilities that they did not properly establish the relationship between themselves, the Tenants, and any subtenancies; moreover, on a balance of probabilities, I cannot find that there was concrete evidence to corroborate what the agreement was between the Tenants and the Landlord as it pertains to the occupancy fee. The Landlord relied on the agreement submitted as evidence, however, the Tenants provided viva voce evidence of material changes to the numbers and the agreement.
7. As well, there was oral testimony provided by the Tenants to indicate an unclear relationship as it relates to the Landlord, and the nature of the evidence that was provided lead to an unclear landlord-tenant relationship. As mentioned in paragraph 4, the Landlord's Legal Representative could not provide any further information in response.
8. Therefore, based on the lack of sufficient evidence provided by the Landlord, I cannot determine whether this new lease is lawful or not by reason of not knowing the status and validity of the new subtenancy; moreover, I cannot determine the lawful amount and to what date rental arrears are owed by the Tenants.
9. Given my determinations that the Landlord provided inconsistent evidence about the rent arrears being claimed, I am not making a determination respecting whether the Tenants owe any rent arrears. Therefore, the Landlord shall not be prejudiced from refiling an application on this matter should they choose to do so.

It is ordered that:

1. The Landlord's application is dismissed.

June 23, 2026
Date Issued

Amit Gurpersaud
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.