



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

**Citation:** Medalion Corporation v Jessica Doe, 2023 ONLTB 36289

**Date:** 2023-05-16

**File Number:** LTB-L-012873-23

**In the matter of:** 108, 171 MAIN ST N  
BRAMPTON ON L6X0H4

**Between:** Medalion Corporation Landlord

**And**

Archie Doe Tenant  
Jessica Doe  
Reuben Korengay

Medalion Corporation (the 'Landlord') applied for an order to terminate the tenancy of Reuben Korengay (The Tenant) and evict the Unauthorized Occupants.

This application was heard by videoconference on April 24, 2023 at 1:00 pm.

The Landlord Representative Marijia Jelic and the Occupants attended the hearing.

As of 1:30 pm, the Tenant was 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and to evict the Unauthorized Occupants.
2. At the outset of the Landlord' Representative submitted that the Tenant had vacated the property as of February 07, 2023. This was supported by correspondence, dated February 7, 2023, between the Landlord and a Housing Supply Representative from the Region of Peel in which the Housing Representative, Jovita Yong, stated that the Tenant had

vacated the rental property and had transferred the rental unit to an unnamed female occupant.

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3. The Landlord Representative then submitted that this was the first time the Landlord became aware of the unauthorized occupants and immediately filed the application before me and conducted an inspection of the rental unit. It was the Landlord Representative submission that the rental unit was found to be in a complete state of disrepair and that there was significant evidence of hoarding. As a result, the property manager immediately changed the locks on the rental unit.
4. In response, the Unauthorized Occupants, who identified themselves as Robin Badwah and Jacqueline Field testified that they had been living in the rental unit for the last 4 years. Jacqueline Field stated that at first, she was living with the Tenant and after about a year her partner, Robin Badwah, moved in and the Tenant moved out. She also stated that they had signed a lease agreement with the Tenant and had been paying him \$500.00 a month in rent.
5. The Unauthorized Occupants then testified that they had no intent of maintaining the tenancy or re-occupying the rental unit. Instead, they requested that they be given a week and that the Landlord facilitate access to the unit so that they could collect their belongings.
6. The Landlord Representative consented to the request but requested that the unauthorized occupants not be given keys or allowed unsupervised access over fear that they may attempt to re-occupy and “squat” within the rental unit.

### *Analysis*

7. This application was filed on February 07,2023 under section 100 of the Act, which states in part:

**100 (1):** 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): An application under subsection (1) must be made no later than 60 days after the landlord discovers the unauthorized occupancy.

8. Based on the evidence and above testimony I find that the Tenant transferred occupancy of the rental unit to the Occupants Jacqueline Field and Robin Badwah in a manner other than by an assignment authorized under section 95 or a subletting authorized under section 97. The Tenant permanently vacated the rental unit around February 07, 2023 and the Occupants continue to reside in the rental unit. The Landlord never consented to the transfer or entered into a tenancy agreement with Jacqueline Field and Robin Badwah and filed their application within the requisite amount of time.

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9. In summation, I am satisfied the Landlord has proven their case to terminate the tenancy and evict the Unauthorized Occupants.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated effective February 07, 2023.
2. The Occupants Jacqueline Field and Robin Badwah will have until April 30, 2023 to vacate the rental unit.
3. The Landlord is to facilitate access to the rental unit so that the Occupants Jacqueline Field and Robin Badwah may collect their belongings.
4. If the unit is not vacated on or before April 30, 2023, then starting May 01, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after May 01, 2023.

**May 16, 2023**

**Date Issued**

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Kelly Delaney

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.