



**Order under Section 98
Residential Tenancies Act, 2006**

Citation: Myriad Property Mangement v Pisani, 2023 ONLTB 17516

Date: 2023-02-01

File Number: LTB-L-068097-22

In the matter of: 609, 45 Parkcrest Drive
Toronto M1M3S6

Between: Myriad Property Mangement Landlord

And

Daniel Pisani Tenant

And

Michael Pisani Unauthorized Salvatore Pisani Occupants Unknown Occupants

Myriad Property Mangement (the 'Landlord') applied for an order to terminate the tenancy of Daniel Pisani (the 'Tenant') and evict Michael Pisani, Salvatore Pisani and Unknown Occupants (the 'Unauthorized Occupants') who are currently occupying the rental unit.

The Landlord also seeks daily compensation for the use of the rental unit.

This application was heard by videoconference on January 23, 2023.

Only the Landlord's Legal Representative, Mark Ciobotaru, attended the hearing.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the Landlord's application is granted.
2. The Tenant passed away on or about September 15, 2021. In accordance with the s.91(1) of the *Residential Tenancies Act, 2006* (the 'Act') the tenancy terminates 30 days after the death of a tenant. In this case, the tenancy terminates on October 15, 2021.
3. The tenancy was transferred to the Unauthorized Occupants in a manner that is not authorized by the Act. The Landlord did not enter into a tenancy agreement with the Unauthorized Occupants.
4. The Unauthorized Occupants were in possession of the rental unit on the date the A2 application was filed, and they are still in possession of the rental unit.

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5. The lawful monthly rent at the time of the Tenant's death was \$1,303.10.
6. The Unauthorized Occupants have not paid rent since October 1, 2021.
7. The Landlord collected a rent deposit from the Tenant and this deposit is still being held by the Landlord.
8. Since the rent for September 2021 had already been paid, the last month's rent deposit shall be applied to the rent for October 2021 in accordance with s.106(10) of the Act.
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Unauthorized Occupants have been living in the unit rent free since November 2021. They have no right to occupy the unit.
10. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The tenancy between the Landlord and Tenant is terminated as of October 15, 2021.
2. The Unauthorized Occupants shall move out of the rental unit on or before February 11, 2023.
3. The Unauthorized Occupants shall pay to the Landlord \$20,838.09. This amount represents the daily compensation from November 1, 2021 to January 23, 2023.

4. The Unauthorized Occupants shall also pay to the Landlord \$201.00 which represents the Landlord's cost of filing the application.
5. The total amount owing by the Unauthorized Occupants is \$21,039.09.
6. If the Unauthorized Occupants do not pay the Landlord the full amount owing on or before February 12, 2023, the Unauthorized Occupants will start to owe interest. This will be simple interest calculated from February 13, 2023 at 5% annually on the balance outstanding.
7. If the unit is not vacated by February 12, 2023, then starting February 13, 2023, the Landlord may file this order with the Court Enforcement Office (the Sheriff), so that the eviction may be enforced.
8. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord after February 13, 2023. The sheriff is requested to expedite the enforcement of this eviction.

February 1, 2023

Khalid Akram

Date Issued

Member, Landlord and Tenant Board

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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 August 13, 2023 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.

