



Order under Section 100 Residential Tenancies Act, 2006

Citation: Piotrowicz v Arencibia, 2022 ONLTB 10754

Date: 2022-10-31

File Number: LTB-L-047001-22

In the matter of: 93 Oak Street
Cambridge Ontario N1R4L3

Between: Michael Piotrowicz Landlord

And

Alberto Arencibia Tenant

Florin Coldea, Olga Rodriguez and other
occupants Unauthorized Occupants

Michael Piotrowicz (the 'Landlord') applied for an order to terminate the tenancy and evict Alberto Arencibia because the Tenant transferred the occupancy of the rental unit to Florin Coldea, Olga Rodriguez and Z (hereinafter called the 'Unauthorized Occupants') in a manner that was not authorized by the *Residential Tenancies Act, 2006* (the 'Act').

This application was heard by videoconference on October 27, 2022.

The Landlord, the Landlord's representative, E. Anani, and an occupant, Florin Coldea, attended the hearing.

Determinations:

1. The Tenant transferred the occupancy of the rental unit to Florin Coldea, Olga Rodriguez and Z (hereinafter called the 'Unauthorized Occupants') in a manner that was not authorized by the *Residential Tenancies Act, 2006* (the 'Act'). The Landlord did not enter into a tenancy agreement with these persons.
2. The Unauthorized Occupants were in possession of the rental unit on the date the application was filed.
3. The Landlord purchased the property from the previous owner and Landlord, Leslie Joaquin. Under the agreement of purchase and sale, the Landlord assumed the responsibility for evicting the unauthorized occupants. The deal closed of August 4, 2002. The Landlord subsequently filed this application and requested that the Board shorten time to a hearing. The request was granted.
4. Florin Coldea (FC) alleged that he is a tenant. FC testified that he entered into a tenancy agreement with the previous owner in March 2022 whereby he agreed to pay \$250.00 and

perform maintenance duties in exchange for the right to occupy one room in the residential complex, a house. FC was not credible. He did not have proof of any payment to the previous owner for the right to occupy a room in the house. FC also did not have proof of performing any maintenance duties. FC testified that he did not collect rent from the other occupants. However, FC collected rent for himself from other unauthorized occupants, as evidenced by receipts FC gave the occupants..

5. 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 not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act. The unauthorized occupants have caused extensive damage to the residential complex and used it as a drug den. Police frequently attend the complex because of complaints.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of November 5, 2022. The Unauthorized Occupants shall move out of the rental unit on or before November 5, 2022.
2. If the unit is not vacated on or before November 5, 2022, then starting November 6, 2022, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 November 6, 2022. The Sheriff is requested to expedite the enforcement of the order.

October 31, 2022

Date Issued

Egya Sangmuah

Vice Chair, 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 May 6, 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.