



## Order under Section 98 Residential Tenancies Act, 2006

**Citation:** Mouck v Harrison, 2024 ONLTB 90749

**Date:** 2024-12-05

**File Number:** LTB-T-049317-24

**In the matter of:** 5, 592 Church Street  
Toronto Ontario M4Y2E5

**Between:** Melissa Mouck  
  
**and**  
  
Bradley Harrison  
Church 18 Holdings Inc

I hereby certify this is a  
true copy of an Order dated  
**Dec 5, 2024**  
  
Landlord and Tenant Board

Tenant

Landlords

Melissa Mouck (the 'Tenant') applied for an order determining that Bradley Harrison and Church 18 Holdings Inc (the 'Landlords') arbitrarily or unreasonably withheld consent to the assignment or sublet of the rental unit to a potential assignee or subtenant.

This application was heard by videoconference on November 28, 2024.

The Tenant, the Landlords' Legal Representative, Tira Muise, the Landlord, Bradley Harrison, and the Landlord's Agent, Karen Dubin, attended the hearing.

### Determinations:

1. This application was filed pursuant to section 98(1) of the *Residential Tenancies Act, 2006* (the 'Act'), which states:

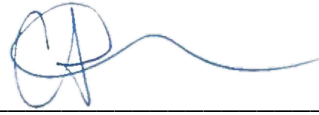
98 (1) A tenant or former tenant of a rental unit may apply to the Board for an order determining that the landlord has arbitrarily or unreasonably withheld consent to the assignment or sublet of a rental unit to a potential assignee or subtenant. [Emphasis added]

2. Section 98(1) of the Act is meant to address a situation where a landlord refuses consent with respect to the particular person that the Tenant has proposed as the new occupant. The Tenant is supposed to ask the Landlord to approve the proposed subtenant and if the Landlord unreasonably or arbitrarily withholds consent to the proposed subtenant, then that is the situation which gives the Tenant the right to file an application such as this one.
3. It was undisputed that the Tenant did not in fact have any proposed subtenant and no actual person or potential subtenant was ever presented to the Landlord. As a result, section 98 does not apply to the Tenant's complaint concerning the Landlord and the Tenant's application must be dismissed.

**It is ordered that:**

1. The Tenant's application is dismissed.

**December 5, 2024**  
**Date Issued**



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**Candace Aboussafy**  
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.