



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

Citation: Kherani v Sherman, 2022 ONLTB 1666

Date: 2022-07-22

File Number: LTB-L-002040-22

In the matter of: Main Floor Tenant, 217 GLASGOW AVE
SAULT STE. MARIE ON P6C5G2

Between: Ashraf Banu Kherani Landlord

And

Maureen Maureen Leblanc Sherman Tenant

Ashraf Banu Kherani (the 'Landlord') applied for an order to terminate the tenancy and evict Maureen Maureen Leblanc Sherman (the 'Tenant') because:

This application was heard by videoconference on July 11, 2022.

Only the Landlord attended the hearing.

As of 9:32 a.m., 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 a preliminary issue it was raised that the L2 application was not properly completed as it did not indicate the reason, that the Tenant had abandoned the rental unit. The application was amended to indicate the reason, as there was no prejudice to the Tenant.
2. The Landlord testified that she bought the building December 1, 2021 and was told that the Tenant had not been at her unit since August 2021. Although there are belongings still in the unit, the Tenant has not responded to any attempts to contact her. Further, the Tenant has never paid the Landlord any rent.
3. The Landlord requested an order indicating that the Tenant had abandoned the rental unit sine December 1, 2021, when she took possession.
4. Section 79 of the *Residential Tenancies Act, 2006*, (the 'Act') says if a landlord believes that a tenant has abandoned a rental unit, the landlord may apply to the Board for an order terminating the tenancy. In order for a landlord to apply under section 79 of the Act, the tenant must be in arrears of rent.
5. Based on the Landlord's uncontested testimony, I find the Tenant has not paid any rent since the Landlord purchased the complex. I also find that the Tenant abandoned the rental unit on January 11, 2022. I set this date as the date of abandonment as this is when

the I filed the application and the Tenant must be in arrears of rent for abandonment to be found; the requested date of December 1, 2021 is when the rent is due and the Tenant would not have been in arrears to the new Landlord at that time.

6. This order contains all the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The tenancy is terminated effective January 12, 2022.
2. The Landlord is entitled to immediate vacant possession of the rental unit.
3. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before August 2, 2022, the Tenant will start to owe interest. This will be simple interest calculated from August 3, 2022 at 2.00% annually on the balance outstanding.

July 22, 2022

Date Issued

Diane Wade

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.