



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

File Number: TNT-90623-17-RV

In the matter of: 1103, 370 DIXON ROAD TORONTO ON M9R1T2

Between: Bryann Muirhead

and

Maja Petrovic

I hereby certify this is a true copy of the Order (Name of Document) (Signature of Staff Member)

Tenant

MAY 24 2017

Landlord and Tenant Board

Landlord

Review Order

Bryann Muirhead (the 'Tenant') applied for an order determining that Maja Petrovic (the 'Landlord') harassed, obstructed, coerced, threatened or interfered with the Tenant, entered the rental unit illegally and substantially interfered with the reasonable enjoyment of the rental unit or residential complex by the Tenant or by a member of the Tenant's household.

The Tenant also applied for an order determining that the Landlord failed to meet the Landlord's maintenance obligations under the Residential Tenancies Act, 2006 (the 'Act') or failed to comply with health, safety, housing or maintenance standards.

This application was resolved by order TNT-90623-17 issued on March 22, 2017.

On April 19, 2017, the Landlord requested a review of the order.

The request was heard in Toronto on May 8, 2017. The Tenant and the Landlord attended the hearing.

Determinations:

- 1. The original Member found that the Landlord entered into an agreement whereby the Tenant would paint the unit. The Member ordered the Landlord to pay the Tenants out of pocket expenses for the paint, caulking and other materials used in painting the rental unit, provided the Tenant submitted receipts.
2. The Tenant provided the Landlord with receipts, but the Landlord refused to pay, claiming that the expenses claimed are not reasonable.
3. The Landlord submits that the Member should have specified the maximum amount payable.

4. The order did not provide clear guidance to the parties and assumed that both parties would be reasonable in their interpretation of the order. Thus, the Tenant was not provided with an effective remedy.
5. The scope of the review hearing was to hear evidence and submissions with respect to the expenses claimed by the Tenant and to determine the reasonable out of pocket expenses incurred.
6. The Tenant claimed \$797.60 and provided receipts to back her claim. The Landlord submitted that the amount claimed is unreasonable and that her inquiries on Craigslist yielded an estimate \$200.00 for paint. This quote also stated that the cost depends on the kind of paint. Another quote was for \$700.00, not including paint.
7. I find the Tenant's claim to be reasonable. The detailed quote from a painter consulted by the Tenant was for \$3,268.53, including labour and taxes. The Tenant is not claiming the cost of her labor. The cost of 4 cans of primer/sealer is about \$200.00. The Tenant also provided receipts for moderately priced paint, paint brushes, rollers, painting tape, caulking tubes, and pest blocking foam (there was an issue with cockroaches). The Tenant also purchased small tools like a caulking gun. The Tenant left those tools in the unit when she vacated. The Landlord put up the condo for sale after the Tenant vacated, advertising it as "freshly painted". The unit sold for the asking price in 7 days. Under the circumstances, and given that the Landlord does not have to pay for the Tenant's labour, it is only fair that the Tenant be compensated for her reasonable expenses.

**It is ordered that:**

1. Order TNT-90623-17 issued on March 22, 2017 is varied in the following manner:
2. The Landlord shall also pay to the Tenant \$797.60, which is the reasonable out-of-pocket expenses the Tenant has incurred for painting the unit.
3. The Landlord shall pay the Tenant the full amount owing by June 4, 2017.
4. If the Landlord does not pay the Tenant the full amount owing by June 4, 2017 the Landlord will owe interest. This will be simple interest calculated from June 5, 2017 at 2.00% annually on the outstanding balance.

**May 24, 2017**  
**Date Issued**

  
\_\_\_\_\_  
Egya Sangmuah  
Vice Chair, Landlord and Tenant Board

Toronto North-RO  
47 Sheppard Avenue East, Suite 700, 7th Floor  
Toronto ON M2N5X5

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.