



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-22081-21

In the matter of: 1007, 84 CARLTON STREET
TORONTO ON M5B2P4

Between: Tobias House Of Toronto Landlord

and

Jay Berkowitz Tenant

Tobias House Of Toronto (the 'Landlord') applied for an order to terminate the tenancy and evict Jay Berkowitz (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference August 18, 2021.

Only the Landlord's Legal Representative K. Afolabi attended the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from July 1, 2019 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination.
2. The Landlord served the Tenant with an N4 Notice of Termination for non-payment of rent on April 7, 2021, with a termination date of April 30, 2021.
3. Tenant was in possession of the rental unit when the application was filed.
4. The lawful monthly rent is \$536.00.
5. The Landlord collected a last month's rent deposit from the Tenant in the amount of \$398.31.
6. Interest on the rent deposit is owing to the Tenant for the period from July 2, 2020 to April 30, 2021.
7. The Landlord testified that the Tenant died on July 17, 2021.
8. Pursuant to subsection 91(1) of the *Residential Tenancies Act, 2006*:

If a tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy shall be deemed to be terminated 30 days after the death of the tenant.

9. The Tenancy shall be deemed to have terminated on August 16, 2021, 30 days after the death of the Tenant.

It is ordered that:

1. The tenancy is terminated as of August 16, 2021, the date the tenancy is deemed terminated by operation of subsection 91(1) of the Act.
2. The Tenant shall pay to the Landlord \$6,323,31*, which represents the amount of rent owing and compensation to August 16, 2021, less the last month's rent deposit and interest owing on the last month's rent deposit.
3. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.



August 25, 2021
Date Issued

Nicola Mulima
Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st 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.

* Refer to section A on the attached Summary of Calculations.

**Schedule 1
SUMMARY OF CALCULATIONS**

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A. Amount the Tenant must pay as the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears & Compensation	July 1, 2019 to August 16, 2021	\$6,721.95
Less the rent deposit:		-\$398.31
Less the interest owing on the rent deposit:	February 1, 2020 to April 30, 2021	-\$0.33
Amount owing to the Landlord on the order date: (total of previous boxes)		\$6,323.31
Plus the application filing fee		\$186.00
Total the Tenant must pay the Landlord as the tenancy is terminated:		\$6,509.31

2021 CanLII 122860 (ON LTB)