



Order under Section 79  
**Residential Tenancies Act, 2006**

**File Number:** TEL-11631-20

**In the matter of:** BASEMENT, 1890 DALHOUSIE CRESCENT  
OSHAWA ON L1G8C4

**Between:** Prakash Mistry Landlord

**and**

Renee Kachra Tenant

Prakash Mistry (the 'Landlord') applied for an order to terminate the tenancy because Renee Kachra (the 'Tenant') abandoned the rental unit.

This application was heard by video/teleconference on June 8, 2021.

Only the Landlord and his legal representative, James Hill, attended the hearing.

**Determinations:**

1. The Board's Interpretation Guideline 4 : "Abandonment of a Rental Unit" explains the concept of abandonment as follows:

*Abandonment is a unilateral act by the tenant to relinquish their tenancy and give up possession of the rental unit without properly giving notice of the termination to the landlord. If the landlord is not sure whether or not a rental unit has been abandoned, they may file an application for determination of this issue with the Board; however, it should be noted the Board has no jurisdiction to issue an order for rent or compensation if a tenant is no longer in possession of the rental unit (see section 87). In this case, the landlord may seek a remedy by applying to Court.*

*Section 2(3) of the RTA provides that a rental unit is not considered abandoned where the tenant is not in arrears of rent. Even if there is evidence of abandonment, such as the furniture being removed, the landlord cannot treat the unit as abandoned before the end of the rental period if the rent is fully paid.*

2. The uncontested evidence before me was that the Tenant was in arrears when the Application was filed on July 14, 2020. The Tenant had been in arrears of rent since March 2019.

3. There has been no activity in the rental unit since May 2020. The Landlord served the Tenant a Notice of Entry and inspected the rental unit on July 6, 2020. The entry door to the rental unit had been left open and the rental unit appeared to have been emptied.
4. I am satisfied based on the Landlord's uncontested evidence that the Tenant has abandoned the rental unit.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated.
2. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before June 27, 2021, the Tenant will start to owe interest. This will be simple interest calculated from June 28, 2021 at 2.00% annually on the balance outstanding.



**June 16, 2021**  
**Date Issued**

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Jana Rozehnal  
Member, Landlord and Tenant Board

Toronto East-RO  
2275 Midland Avenue, Unit 2  
Toronto ON M1P3E7

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