



**Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** Kurian v Falardeau-Appleton, 2023 ONLTB 17351

**Date:** 2023-01-31

**File Number:** LTB-L-023943-22

**In the matter of:** 101, 320 WESTMINSTER AVE  
LONDON ON N6C5H5

**Between:** Ranjit Kurian Landlord

**And**

Danielle Falardeau-Appleton Tenant

Ranjit Kurian (the 'Landlord') applied for an order to terminate the tenancy and evict Danielle Falardeau-Appleton (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 23, 2023.

Only the Landlord's legal representative, Timothy Mobberly, attended the hearing.

**Determinations:**

1. On March 29, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of May 31, 2022. The Landlord claims that they require vacant possession of the rental unit for the purpose of residential occupation by the Landlord's parent.
2. The Tenant was in possession of the rental unit on the date the application was filed.

3. The Tenant vacated the rental unit on July 1, 2022. This is the day the Tenant returned the keys and vacant possession of the rental unit to the Landlord.
4. The Tenant was required to pay the Landlord \$14,804.38 in daily compensation for use and occupation of the rental unit for the period from June 1, 2022 to January 23, 2023.

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5. Based on the Monthly rent, the daily compensation is \$62.47. This amount is calculated as follows: \$1,900.00 x 12, divided by 365 days.
6. The Landlord collected a rent deposit of \$1,900.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$0.00 is owing to the Tenant for the period from January 1, 2020 to .
7. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy.

#### LANDLORD'S APPLICATION

8. At the hearing the Landlord's legal representative submitted that the Landlord was not pursuing the arrears owed by the Tenant to the Landlord based on the daily compensation.
9. The Landlord's legal representative submitted the Landlord was seeking an order from the Board with a termination date of the day the Tenant vacated the rental unit.
10. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
11. This order contains all reasons for the determinations and order made. No further reasons will be issued.

#### **It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of July 1, 2022.
2. There are no arrears or costs owed by the Tenant to the Landlord, with respect to this application, up to the day of this hearing.

**January 31, 2023**  
**Date Issued**

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**Greg Brocanier**  
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.

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