



Order under Section 94  
**Residential Tenancies Act, 2006**

**File Number:** SOL-15592-20

**In the matter of:** 1104, 19 BARKER STREET  
PARIS ON N3L3L8

**Between:** Skyline Living Landlord

**and**

Keshia Newman Tenant

Skyline Living (the 'Landlord') applied for an order to evict Keshia Newman (the 'Tenant') because the Tenant occupies the superintendent's unit and the Tenant's employment as superintendent has ended. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by way of a video conference hearing on June 9, 2021. The Landlord's Agent, M. Twiss, attended the hearing on behalf of the Landlord. As of 11:08 a.m., the Tenant was not present or represented at the hearing, although properly served with notice of this hearing by the Board.

**Determinations:**

1. The Landlord terminated the employment of the Tenant as the superintendent of the residential complex on June 18, 2020.
2. On the date when this application was filed, the Tenant had not vacated the superintendent's premises and more than one week had passed since their employment was terminated.
3. The Tenant gave vacant possession of the rental unit to the Landlord on July 28, 2020.
4. Section 86 of the *Residential Tenancies Act, 2006* (the 'Act') states that a landlord is entitled to compensation for use and occupation of a rental unit after a termination of a tenancy by order, notice, or agreement. Section 86 can only be invoked to require compensation from an overholding tenant, and not an overholding superintendent since the latter terminates by operation of law and not by way of an agreement, notice, or order of the Board.
5. As the Tenant vacated the rental unit prior to the date of the hearing, the Board lacks jurisdiction to order payment of any arrears of rent or compensation in this application.

6. I do find that the Landlord is entitled to the application filing fee, as the Tenant was in possession of the rental unit when the application was filed.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before August 7, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 8, 2021 at 2.00% annually on the balance outstanding.

**July 27, 2021**

**Date Issued**



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Arnab Quadry

Member, Landlord and Tenant Board

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

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