



Order under Section 87 Residential Tenancies Act, 2006

Citation: Kasken Homes Inc v Blanks, 2024 ONLTB 42339

Date: 2024-06-12

File Number: LTB-L-027135-23

In the matter of: 2917, 35 Watergarden Drive
Mississauga ON L5R0G8

Between: KASKEN HOMES INC. Landlord

And

Evelyn Cheryl Blanks Former Tenant

KASKEN HOMES INC. (the 'Landlord') applied for an order requiring Evelyn Cheryl Blanks (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on May 23, 2024.

Only the Landlord attended the hearing.

As of 9:38am, the Former Tenant not present or represented at the hearing although properly served with notice of this hearing by the Landlord. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As explained below, the Landlord proved the allegations contained in the application on a balance of probabilities. Therefore, the Former Tenant owes the Landlord \$11,342.00.
2. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
3. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's Rules of Procedure.
4. These documents were served on April 17, 2024 by mail. The Former Tenant provided the Landlord the current address by text message to the Landlord.
5. The Former Tenant vacated the rental unit on December 13, 2022.

6. The application was filed within one year after the Former Tenant ceased to be in possession of the rental unit.
7. Although this order does not specifically address each piece of evidence individually or reference all of the testimony, I have considered all of the evidence presented at the hearing and all of the oral testimony when making my determinations.
8. Rent owing
9. The Landlord testified the Former Tenant paid the lawful rent by cheque. The Landlord testified that the June 2022 rent came due the Landlord went to speak to the Former Tenant to inquire about the rent.
10. The Former Tenant told the Landlord she did not have the rent and was on social assistance.
11. The Landlord testified the Former Tenant made one payment of \$2,000.00 in August 2022 but the Landlord has not received any further payments for rent.
12. The Landlord claims the arrears owing from June 1, 2022 to December 31, 2022 are \$11,156.00.
13. The Former Tenant no longer in possession of the rental unit. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Former Tenant's obligation to pay rent ended on December 31, 2022. .
14. With the uncontested evidence and submissions before me and on a balance of probabilities I find the Landlord has proved the allegations in the application and the Former Tenant owes the Landlord \$11,156.00.
15. The Landlord incurred costs of \$186.00 for filing the application and entitled to reimbursement of those costs.
16. There is no last month's rent deposit.
17. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Former Tenant shall pay to the Landlord \$11,156.00, which represents rent and compensation owing up to .
2. The Former Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The total amount the Former Tenant owes the Landlord is \$11,342.00*. See Schedule 1 for the calculation of the amount owing.

4. If the Former Tenant does not pay the Landlord the full amount owing on or before June 23, 2024, the Former Tenant will start to owe interest. This will be simple interest calculated from June 24, 2024 at 7.00% annually on the balance outstanding.

June 12, 2024
Date Issued

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.

* Refer to the attached Summary of Calculations.

**Schedule 1
SUMMARY OF CALCULATIONS**

Amount the Former Tenant must pay the Landlord:

Rent and Compensation Owing To	\$11,156.00
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$11,342.00

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