



## Order under Section Residential Tenancies Act, 2006

**Citation:** MANICKAM v KENNEDY, 2024 ONLTB 20918

**Date:** 2024-03-26

**File Number:** LTB-L-031583-22

**In the matter of:** BASEMENT UNIT, 5 LATHBURY STREET  
BAMPTON ONTARIO L7A0R5

**Between:** SANTOSH KUMAR MANICKAM Landlord  
MARIA KUMAR

**And**

VANESSA KENNEDY Former Tenant  
DASHAWN KENNEDY

Santosh Kumar Manickam and Maria Kumar (the 'Landlord') applied for an order requiring Vanessa Kennedy and Dashawn Kennedy (the 'Former Tenant') to pay the rent and / or daily compensation that the Former Tenant owes.

The Landlord also applied for an order requiring the Former Tenant to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on March 14, 2024.

The following people attended the hearing:

The Landlord, Santosh Kumar Manickam.

The Landlord, Maria Kumar.

The Former Tenant, Vanessa Kennedy.

**Determinations:**Preliminary: amend application

1. The Former Tenant disputed the arrears the Landlord was claiming in the amount of \$296.36 in unpaid utilities. The Former Tenant testified the Landlord had included days of unpaid utilities for days after the Former Tenant vacated the rental unit.
2. The amount the Former Tenant submitted as the correct amount is \$291.08.
3. The Landlord did not dispute the Former Tenant's submission and consented to amend the application the day of the hearing.
4. In accordance with the Board's Rules of Procedure for Amending Application in section 15.3 I granted the amendment request for the Former Tenant given that there was no prejudice to either party, as both had consented to the agreed upon amended amount.

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5. The Landlord claimed the Former Tenant owed. As explained below, the Landlord proved the allegations contained in the application on a balance of probabilities. Therefore, the Former Tenant must pay the Landlord \$3,492.08 in arrears owing, unpaid utilities and cost for filing the application.
6. The Former Tenant vacated the rental unit on March 1, 2022.
7. The application was filed within one year after the Former Tenant ceased to be in possession of the rental unit.
8. There is no last month's rent deposit as the Landlord applied the last month's rent deposit to the Former Tenant's last month of tenancy in accordance with subsection 106(10) of the Residential Tenancies Act, 2006, (the 'Act').
8. The arrears owing the Landlord are not in dispute. The Former Tenant owes the Landlord \$3,000.00 for the months of unpaid rent for December 2021 and January 2022.
9. The amended unpaid utilities the Landlord is claiming is not in dispute. The Former Tenant owes the Landlord \$291.08 up to the date the Former Tenant vacated the rental unit.
10. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
11. The total amount the Former Tenant owes the Landlord is \$3,492.08.
12. The Former Tenant requested a repayment plan of \$50.00 per month to repay the Landlord the amount she owes.
13. The Landlord declined the payment plan stating the repayment period is too long and requested the Former Tenant pay \$500.00 per month.

14. The Former Tenant submitted that her financial situation would not allow for her to pay off the amount owing that quickly
15. The Landlord submitted they were seeking a standard order for the amount owing.
16. With the evidence and submissions before me and given the amount owing is not in dispute by the Former Tenant, I find on a balance of probabilities the Former Tenant owes the Landlord \$3,492.08 and the Landlord's request is granted.
17. 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.
18. 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 \$3,492.08 as follows:
  - \$3,000.00 in arrears.
  - \$291.08 in unpaid utility bills.
  - 201.00 for the cost of filing the application.
2. If the Former Tenant does not pay the Landlord the full amount owing on or before April 6, 2024, the Former Tenant will start to owe interest. This will be simple interest calculated from April 7, 2024 at 7.00% annually on the balance outstanding.

**March 26, 2024**  
**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.