



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

Citation: Medallion Corporation v Burt, 2023 ONLTB 54266

Date: 2023-08-03

File Number: LTB-L-057712-22

In the matter of: 305, 552 Birchmount Road
Toronto Ontario M1K1P3

Between: Medallion Corporation Landlord

And

Douglas Burt Tenant

Medallion Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Douglas Burt (the 'Tenant') because:

- the rental unit is the superintendent's premises and the Tenant's employment as superintendent has ended.

This application was heard by videoconference on July 12, 2023.

Only the Landlord's legal representative, Samuel Korman, attended the hearing.

Determinations:

1. The Landlord's uncontested evidence is that the Tenant was a superintendent for the residential complex and their employment ended on June 13, 2022.
2. The Tenant did not vacate the rental unit until September 16, 2022.
3. The Landlord gave the Tenant more than seven days after the termination of employment and is seeking the arrears after the Landlord's extra days they allowed the Tenant in the rental unit.

The Act and Analysis

4. Section 93 and the related section 94 of the Residential Tenancies Act, 2006 (the 'Act') states the following:

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93(1) If a landlord has entered into a tenancy agreement with respect to a superintendence premises, unless otherwise agreed, the tenancy terminates on the day on which the employment of the tenant is terminated.

93(2) A tenant shall vacate a superintendent's premises within one week after his or her own tenancy is terminated.

93(3) A landlord shall not charge a tenant rent or compensation or receive rent or compensation from a tenant with respect to the one week mentioned in subsection (2).

94 The landlord may apply to the board for an order terminating the tenancy of a tenant of superintendent's premises and evicting the tenant if the tenant does not vacate the rental unit within one week of the termination of his or her employment.

5. The Landlord terminated the employment of the Tenant on June 13, 2022. The rent-free period ran from June 14 to June 21, however the Landlord gave the Tenant more time to vacate the rental unit.
6. Section 86 of the Act states that a landlord is entitled to compensation for the use and occupation of a rental unit by a tenant who does not vacate the unit after his or her tenancy is terminated by order, notice or agreement.
7. 87(3) of the Act states,

A landlord may apply to the board for an order requiring a tenant or former tenant to pay compensation for the use and occupation of the rental unit after a notice of termination or an agreement to terminate the tenancy has taken effect if,

(a) the tenant or former tenant is or was in possession of the rental unit after the termination of the tenancy...

8. The Tenant was required to pay the Landlord \$55.89 in daily compensation for use and occupation of the rental unit for the period up to September 16, 2022.
9. Based on the Monthly rent, the daily compensation is \$55.89. This amount is calculated as follows: \$1,529.00 x 12, divided by 365 days.
10. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
11. There is no last month's rent deposit.
12. 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.
13. 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 September 16, 2022.
2. The Tenant shall pay \$4,476.67 which represents compensation for the use of the rental unit up to September 16, 2023.
3. The Tenant shall pay to the Landlord \$201.00 for the cost of filing the application.
4. The total amount the Tenant owes the Landlord is \$4,677.67.
5. If the Tenant does not pay the Landlord the full amount owing on or before August 14, 2023, the Tenant will start to owe interest. This will be simple interest calculated from August 15, 2023 at 6.00% annually on the balance outstanding.

August 3, 2023

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.