



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

**Citation:** Douglas Dias v Richard Canary, 2023 ONLTB 42999

**Date:** 2023-06-14

**File Number:** LTB-L-005686-22

**In the matter of:** 21, 290 BARTON ST W  
HAMILTON ON L8R3P3

**Between:** Douglas Dias and Margaret Dias Landlord

**And**

Estate of Richard Canary Tenant

Douglas Dias and Margaret Dias (the 'Landlord') applied for an order to terminate the tenancy and evict the Estate of Richard Canary (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 2, 2023.

Only the Landlord's legal representative E. Alexander attended the hearing.

As of 9:31 am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

**Note:** the application is amended to remove John Canary as a Tenant.

**Determinations:**

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant passed away on March 22, 2023.
3. As per s.91 of the *Residential Tenancies Act, 2006* (the 'Act'), the tenancy is deemed terminated 30 days after the Tenant's death. The tenancy is therefore deemed terminated on April 22, 2023. Rent arrears are calculated up to the date the tenancy is deemed terminated.
4. The lawful rent was \$2,750.00. It was due on the first day of each month.
5. The Tenant has not made any payments since the application was filed.

6. The rent arrears owing to April 22, 2023 are \$54,989.02. This amount exceeds the Board's monetary jurisdiction of \$35,000.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**File Number:** LTB-L-005686-22

8. There is no last month's rent deposit.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of April 22, 2023, the date the tenancy is deemed terminated under s.91 of the Act.
2. The Tenant shall pay to the Landlord \$35,186.00. This is the maximum amount that can be ordered.
3. If the Tenant does not pay the Landlord the full amount owing on or before June 25, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 26, 2023 at 6.00% annually on the balance outstanding.

**June 14, 2023**

**Date Issued**

\_\_\_\_\_  
Renée Lang

Vice Chair, Landlord and Tenant Board

15 Grosvenor St, 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.

**File Number:** LTB-L-005686-22

**Schedule 1  
SUMMARY OF CALCULATIONS**

**A. Amount the Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$54,989.02
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Total amount owing to the Landlord (adjusted to the Board's maximum)</b>	<b>\$35,186.00</b>