



**Order under Section 69 / 88.1
Residential Tenancies Act, 2006**

Citation: Morgan v Sharma, 2023 ONLTB 40424

Date: 2023-06-01

File Number: LTB-L-037370-22

In the matter of: 711, 7730 KIPLING AVE
WOODBIDGE ON L4L1Y9

Between: Carlene Morgan Landlord

And

Renu Sharma Tenant

Carlene Morgan (the 'Landlord') applied for an order to terminate the tenancy and evict Renu Sharma (the 'Tenant') because:

- the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on March 9, 2023.

The Landlord was represented at the hearing by Renisha Cox. 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.

Determinations:

1. On April 30, 2022, the Landlord gave the Tenant an N12 notice of termination with the termination date of June 30, 2022.
2. Section 86 of the *Residential Tenancies Act, 2006* ('Act') states:

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.

- The Tenant vacated the rental unit after the termination date in the notice. Accordingly the Tenant required to pay the Landlord \$12,427.40 in daily compensation for use and occupation of the rental unit for the period from July 1, 2022 to January 02, 2023.

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- Based on the Monthly rent, the daily compensation is \$49.32. This amount is calculated as follows: \$1,500.00 x 12, divided by 365 days.
- The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
- The Landlord collected a rent deposit of \$1,500.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$19.11 is owing to the Tenant for the period from July 1, 2022, to January 2, 2023.
- In accordance with subsection 106(10) of the Act the last month's rent deposit shall be applied to the rent for the last month of the tenancy.

It is ordered that:

- The Tenant shall pay to the Landlord \$10,908.29, which represents compensation for the use of the unit from July 1, 2022, to January 02, 2023, less the rent deposit and interest the Landlord owes on the rent deposit.
- The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application. The total amount the Tenant owes to the Landlord is \$11094.29
- If the Tenant does not pay the Landlord the full amount owing on or before June 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 01, 2023, at 6.00% annually on the balance outstanding.

June 1, 2023
Date Issued

Bryan Delorenzi

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.

