



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

**Citation:** Skyline Living v Lorne Friesman, 2023 ONLTB 38451

**Date:** 2023-05-18

**File Number:** LTB-L-045238-22

**In the matter of:** 302, 6521 DRUMMOND RD  
NIAGARA FALLS ON L2G4N5

**Between:** Skyline Living Landlord

**And**

Lorne Friesman Tenant

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Lorne Friesman (the 'Tenant') because:

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

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 May 10, 2023.

Only the Landlord's legal representative, Patricia Duwyn, and the Landlord's agent, Michelle Twiss, attended the hearing.

As of 1:30 PM, 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the tenancy shall terminate and the Tenant shall be ordered to pay compensation.

2. The Landlord terminated the employment of the Tenant on August 3, 2022. The Tenant has not vacated the superintendent's premises and more than one week has passed since their employment was terminated.
3. With respect to the claim for compensation, I adopt the reasons set out in *Drewlo Holdings Inc v Boyle*, 2021 CanLII 119247 (ON LTB) to find that the Landlord is entitled to compensation for the use and occupation of the rental unit from August 11, 2022 until the Tenant vacates the rental unit.

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4. Based on the Monthly rent, the daily compensation is \$58.68. This amount is calculated as follows: \$1,785.00 x 12, divided by 365 days.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. There is no last month's rent deposit.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act') and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before May 22, 2023.
2. If the unit is not vacated on or before May 22, 2023, then starting May 23, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after May 23, 2023.
4. The Tenant shall pay to the Landlord \$14,307.20, representing compensation for use and occupation of the rental unit from August 11, 2022 to May 10, 2023.
5. The Tenant shall also pay the Landlord compensation of \$52.60 per day for the use of the unit starting May 11, 2023 until the date the Tenant moves out of the unit.
6. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
7. The total amount the Tenant owes the Landlord to May 10, 2023 is \$14,493.20.
8. If the Tenant does not pay the Landlord the full amount owing on or before May 22, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 23, 2023 at 6.00% annually on the balance outstanding.

**May 18, 2023**

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**Date Issued**

**Richard Ferriss**

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on November 23, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

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