



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

Citation: Vanhalteren v Nieu Kirk, 2023 ONLTB 31674

Date: 2023-04-19

File Number: LTB-L-023727-22

In the matter of: 2, 12 Melbourne Street East Lindsay
Ontario K9V1X3

Between: Susan Vanhalteren Landlord

And

David Nieu Kirk Tenant

Susan Vanhalteren (the 'Landlord') applied for an order to terminate the tenancy and evict David Nieu Kirk (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 September 19, 2022. Only the Landlord attended the hearing. As of 10:02 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.

Determinations:

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant moved out of the rental unit on May 20, 2022. The Tenant did not pay rent for May 2022.
3. The Landlord compensated the Tenant an amount equal to one month's rent by April 30, 2022.
4. The lawful monthly rent was \$870.00.
5. The Landlord is not holding a last month's rent deposit.

Daily compensation, rent deposit

6. The Tenant was required to pay the Landlord \$28.60 in daily compensation for use and occupation of the rental unit for the period from May 1, 2022 to May 20, 2022.

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7. 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 May 20, 2022, the date the Tenant moved out of the unit.
2. The Tenant shall pay to the Landlord \$572.00, which represents the amount of rent/compensation for the use of the unit owing up to May 20, 2022.
3. The Tenant shall pay the full amount owing by April 30, 2023.
4. If the Tenant does not pay the Landlord the full amount owing on or before April 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2023 at 6.00% annually on the balance outstanding

April 19, 2023

Date Issued

Donna Adams

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.

