



**Order under Section 79
Residential Tenancies Act, 2006**

Citation: Akol v Keddy, 2023 ONLTB 29853

Date: 2023-04-13

File Number: LTB-L-045228-22

In the matter of: 35, 814 BROADVIEW AVENUE
TORONTO ON M4K2P7

Between: Florence Akol\n Florence Akol Landlord

And

Mark Keddy Tenant

Florence Akol and Florence Akol (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Keddy (the 'Tenant') because:

- the Landlord believes that the Tenant abandoned the unit.

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 27, 2023 at 09:00 am.

Only the Landlord Agent Florence Akol and the Landlord Witness Michael Antoine attended the hearing.

As of 09:30 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. As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy.
2. The Landlord's Agent testified that in March 2022 it was noticed that activity within the rental unit had ceased. Following this they sent several letters to the Tenant and visited the

rental unit to determine if the Tenant was still residing within. Following this the Tenant contacted the Landlord's Witness Michael Antoine, in his capacity as the housing worker, to inform him that he had moved to Alberta and would not be returning.

3. Michael Antoine confirmed that on May 10, 2022 the Tenant called him and told him he would not be returning to the rental unit due to family obligations in Alberta and that any possessions within the rental unit could be disposed of.

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4. The rent arrears owing to May 10, 2022 are \$1,491.00.
5. There is no last month's rent deposit.
6. Given the uncontested testimony before me, I am satisfied on the balance of probabilities that the Tenant has abandoned the rental unit by returning possession of the rental unit to the Landlord as of May 10, 2022. Any claim by the Landlord for compensation will have to be determined as part of a separate application.

It is ordered that:

1. The Tenant has abandoned the rental unit and tenancy between the Landlord and the Tenant terminated as of May 10, 2022.

April 13, 2023

Date Issued

Kelly Delaney

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.

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