



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

Citation: MYRIAD GROUP v Bangora, 2023 ONLTB 13474

Date: 2023-01-05

File Number: LTB-L-009799-22

In the matter of: 310, 2 ARMEL CRT
ETOBICOKE ON M9W6L4

Between: MYRIAD GROUP Landlord

And

ABDUL RAHIM BANGORA Tenant

MYRIAD GROUP (the 'Landlord') applied for an order to terminate the tenancy and evict Abdul rahim Bangora (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 November 3, 2022.

Only the Landlord's representative S. Sciulli attended the hearing. As of 9:51am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. 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 claim for compensation in the application. Therefore, the Tenant must pay the Landlord for compensation for the use of the unit from February 23, 2022 to April 1, 2022.
2. The Tenant was hired by the Landlord to perform standard superintendent duties, with a commencement date of employment in November 2021. The Tenant's employment terminated on February 15, 2022, as confirmed by the notice of termination of employment letter dated January 31, 2022, tendered as evidence.
3. The Tenant did not vacate the rental unit within one week of the Tenant's employment being terminated, as required by section 93(2) of the Residential Tenancies Act, 2006 (the "Act"). The Tenant vacated the superintendent's premises on April 1, 2022 and was in possession of the superintendent's premises on the date the application was filed.

4. The Landlord's representative advised that the monthly rent charged was \$1200.00. Based on the Monthly rent, the daily compensation is \$39.45. This amount is calculated as follows: \$1,200.00 x 12, divided by 365 days.
5. The Landlord is entitled to an arrears only order for the period of time commencing February 23, 2022 through to the date the Tenant vacated the rental unit on April 1, 2022.
6. The compensation owed up to April 1, 2022 is \$1499.10.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

It is ordered that:

1. The Tenant shall pay to the Landlord \$1499.10, which represents compensation for the use of the unit from February 23, 2022 to April 1, 2022.
2. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
3. The total amount the Tenant owes the Landlord is \$1,685.10.
4. If the Tenant does not pay the Landlord the full amount owing on or before January 16, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 17, 2023 at 4.00% annually on the balance outstanding.

January 5, 2023

Date Issued

Peter Nicholson

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.