



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

Citation: Carey-Bianco v Kennedy, 2022 ONLTB 11113

Date: 2022-11-07

File Number: LTB-L-003392-22

In the matter of: 397 UPPER GAGE AVE
HAMILTON ON L8V4H8

Between: Alicia Carey-Bianco Landlord

And

Anthony Doucet Tenants
Jessica Kennedy

Alicia Carey-Bianco (the 'Landlord') applied for an order requiring Anthony Doucet and Jessica Kennedy (the 'Tenants') 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 Alicia Carey-Bianco and the Landlord's representative Moira Wallace, Counsel, attended the hearing.

As of the 9:42 a.m., the Tenants were 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 Tenants vacated the rental unit on February 27, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Landlord amended their application to an L9 application solely for arrears of rent and the filing fee. The Landlord was seeking the arrears outstanding to February 27, 2022. Uncontested, the application was amended.
3. The Tenants did not pay the total rent they were required to pay for the period from to July 1, 2021 to February 27, 2022.
4. The lawful rent is \$2,000.00. It is due on the 1st day of each month.

5. The Tenants have not made any payments since the application was filed.
6. The tenancy ended on February 27, 2022 as a result of the Tenants moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.
7. Based on the monthly rent, the daily rent/compensation is \$65.75. This amount is calculated as follows: \$2,000.00 x 12, divided by 365 days.
8. Therefore, the rent arrears and daily compensation owing to February 27, 2022 are \$6,034.25.
9. There is no rent being held on deposit.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$6,220.25. This amount includes rent arrears owing up to February 27, 2022 and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before November 13, 2022, the Tenants will start to owe interest. This will be simple interest calculated from November 14, 2022 at 4.00% annually on the balance outstanding.

November 7, 2022
Date Issued

Greg Witt
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.