



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

Citation: WILSTAR MANAGEMENT LTD v Iliuta, 2022 ONLTB 9496

Date: 2022-10-24

File Number: LTB-L-030212-22

In the matter of: 207, 24 MABELLE AVE
ETOBICOKE ON M9A4X7

Between: WILSTAR MANAGEMENT LTD Landlord

And

Alexandru Iliuta Tenant

WILSTAR MANAGEMENT LTD (the 'Landlord') applied for an order to terminate the tenancy and evict Alexandru Iliuta (the 'Tenant') because the unit was given to the Tenant for the term of the Tenant's employment which has now ended.

This application was heard by videoconference on October 17, 2022.

Only the Landlord's Representative, Mark Ciobotaru attended the hearing. Ryan Gibson attended as witness for the Landlord.

Determinations:

1. The tenancy terminates on the day the Tenant's employment ended which in this case is May 13, 2022 as supported by the termination letter from the Landlord addressed to the Tenant dated May 13, 2022.
2. The Tenant vacated the rental unit on September 2, 2022.
3. The Tenant was the Resident Manager in the residential complex occupying the superintendent's unit. The Landlord's witness testified the title and duties of residential manager is equivalent that of a superintendent. Despite the different terminology, I find the Board has jurisdiction to consider this application under section 93 of the Act.
4. The Tenant resided in the superintendent's unit as a condition of employment and was not required to pay market rent during his employment.
5. Subsection 93(3) of the RTA prohibits a landlord from charging rent or compensation for one week after the superintendent's employment is terminated. The Landlord is entitled to seek compensation from a former superintendent who remains in possession of the rental unit after the one week period has passed. In this case the Landlord is seeking compensation after May 29, 2022 and waives the compensation from May 20, 2022 to May 29, 2022 as communicated in their termination letter to the Tenant dated May 13, 2022.

6. The market rent for the unit is \$2,050.00.
7. The Tenant has made no payments after the application was filed.
8. Per diem compensation is \$67.40. The Tenant owes the Landlord per diem compensation for 96 day from May 30, 2022 to September 2, 2022 in the amount of \$6,470.40.
9. The Tenant also owes the Landlord \$186.00 for the cost of the application.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of September 2, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$6,656.40. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before November 4, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 5, 2022 at 4.00% annually on the balance outstanding.

October 24, 2022

Date Issued

Sandra Macchione

Member, Landlord and Tenant Board

15 Grosvenor St, 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.