



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-002490-24

In the matter of: BASEMENT APARTMENT, 92 SEABORN
RD
BRAMPTON ON L6V2C1

Between: Michael Mckinney

And

Nicole Neil Clark

I hereby certify this is a
true copy of an Order dated

JAN. 31, 2025

Vishal Nanda

Landlord and Tenant Board

Landlord

Former Tenant

Michael Mckinney (the 'Landlord') applied for an order requiring Nicole Neil Clark (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on December 3, 2024.

Only the Landlord attended the hearing.

As of 10:32 a.m., the Former Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Landlord. 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 proved the allegations contained in the application on a balance of probabilities.
2. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's Rules of Procedure.
3. The Former Tenant vacated the rental unit on July 31, 2023.
4. The application was filed within one year after the Former Tenant ceased to be in possession of the rental unit.

Rent and daily compensation owing

5. The lawful rent was \$2,000.00. It was due on the 1st day of each month.
6. 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.

7. The Former Tenant has not made any payments since the application was filed.
8. The Former Tenant is no longer in possession of the rental unit. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Former Tenant's obligation to pay rent ended on July 31, 2023.
9. The rent arrears and daily compensation owing to are \$11,500.00.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Rent Deposit

11. There is no last month's rent deposit.

It is ordered that:

1. The Former Tenant shall pay to the Landlord \$11,500.00, which represents rent and compensation owing up to July 31, 2023.
2. The Former Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The Former Tenant shall pay the Landlord \$11,686.00 *. See Schedule 1 for the calculation of the amount owing.
4. If the Former Tenant does not pay the Landlord the full amount owing on or before February 11, 2025, the Former Tenant will start to owe interest. This will be simple interest calculated from February 12, 2025 at 5.00% annually on the balance outstanding.

January 31, 2025
Date Issued

Vishal Nanda

Vishal Nanda
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.

* Refer to the attached Summary of Calculations.

Schedule 1
SUMMARY OF CALCULATIONS

Amount the Former Tenant must pay the Landlord:

Rent and Compensation Owing To	\$11,500.00
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$11,686.00