



Order under Section 87 / 89 Residential Tenancies Act, 2006

Citation: Wong v Fournier, 2025 ONLTB 60609

Date: 2025-08-05

File Number: LTB-L-040083-24

In the matter of: 35 ROSE ABBEY DR
KINGSTON ON K7K6W1

Between: Davis Wong

And

Elizabeth Whenham

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

AUG 5, 2025

M. Sawicki

Landlord and Tenant Board

Landlord

Former Tenant

Davis Wong (the 'Landlord') applied for an order requiring Geordan Fournier and Elizabeth Whenham (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

The Landlord also applied for an order requiring the Former Tenants to pay the Landlord's reasonable out-of-pocket costs that the Landlord incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was heard by videoconference on May 29, 2025.

The Landlord, the Landlord's legal representative, S. Pearson, and the Former Tenant, G. Fournier, attended the hearing.

As of 12:58 p.m., the Former Tenant, E. Whenham, 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.

Preliminary Issues:

Application Amendments

1. The Landlord requests to remove Geordan Fournier, as a named Former Tenant to the application, the Former Tenant was not opposed. The Former Tenant, Elizabeth Whenham, was not present to make any submission on the removal of Geordan Fournier from the application. Pursuant to section 200(1), of the *Residential Tenancies Act, 2006*, the ('Act'), I consented to the request.

2. The application is amended to remove Geordan Fournier, as a named Former Tenant to the application.
3. The Landlord request to withdraw the damages portion of the application. Pursuant to section 200(1) of the Act, I consented to the request.

Determinations:

4. As explained below, the Landlord proved the allegations contained in the application on a balance of probabilities. Therefore, the Former Tenant shall pay to the Landlord \$4,048.72, on or before August 16, 2025.
5. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
6. These documents were personally served on March 29, 2025, by the Landlord.
7. The Former Tenant vacated the rental unit on December 1, 2023.
8. 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

9. The lawful rent was \$1,965.68. It was due on the 1st day of each month.
10. Based on the Monthly rent, the daily rent/compensation is \$64.63. This amount is calculated as follows: $\$1,965.68 \times 12$, divided by 365 days.
11. The Former Tenant has not made any payments since the application was filed.
12. The rent arrears and daily compensation owing to October 31, 2023 are \$3,862.72.
13. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Rent Deposit

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

It is ordered that:

1. The Former Tenants shall pay to the Landlord \$3,862.72, which represents rent and compensation owing up to October 31, 2023.

2. The Former Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The total amount the Former Tenant owes the Landlord is \$4,048.72*. 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 August 16, 2025, the Former Tenant will start to owe interest. This will be simple interest calculated from August 17, 2025 at 4.00% annually on the balance outstanding.

August 5, 2025
Date Issued



Mayra Sawicki
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 Tenants must pay the Landlord:

Rent and Compensation Owing To October 31, 2023	\$3,862.72
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$4,048.72