



Order under Section 87 Residential Tenancies Act, 2006

Citation: Treleaven Real Estate Holdings Inc. v Stewart, 2026 ONLTB 9667

Date: 2026-01-29

File Number: LTB-L-044018-24

In the matter of: Unit 2, 6022 OLD HWY 69
HANMER ON P3P0E6

Between: Treleaven Real Estate Holdings Inc. Landlord

And

Natalie Stewart Former Tenants
JOHN GORDON MATTE

Treleaven Real Estate Holdings Inc. (the 'Landlord') applied for an order requiring Natalie Stewart and JOHN GORDON MATTE (the 'Former Tenants') to pay the rent and daily compensation that the Former Tenants owe.

This application was heard by videoconference on December 23, 2025.

Only the Landlord's Director, Jeffrey Treleaven attended the hearing.

As of 1:32 p.m., the Former Tenants were 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. Therefore, the Former Tenants shall pay the Landlord \$5,134.72 on or before February 9, 2026.
2. I am satisfied that the Landlord served the Former Tenants 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.
3. These documents were served on November 12, 2025, by serving of the Former Tenants at their current residence.
4. The Former Tenants vacated the rental unit on April 8, 2024.

5. The application was filed within one year after the Former Tenants ceased to be in possession of the rental unit. On June 2, 2024, the Landlord filed an L10 application to recover compensation rent. That application was filed under section 87 of the Act, which provides, in part:

Application for arrears of rent

87 (1) A landlord may apply to the Board for an order requiring a tenant or former tenant to pay arrears of rent if,

- (a) the tenant or former tenant did not pay rent lawfully required under the tenancy agreement; and
- (b) in the case of a tenant or former tenant no longer in possession of the rental unit, the tenant or former tenant ceased to be in possession on or after the day subsection 18 (1) of Schedule 4 to the *Protecting Tenants and Strengthening Community Housing Act, 2020* comes into force.

Application under subs. (1)

- (1.1) An application under subsection (1) may be made,
- (b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit.

6. The lawful rent was \$2,500.00. It was due on the 1st day of each month.
7. Based on the Monthly rent, the daily rent/compensation is \$82.19. This amount is calculated as follows: \$2,500.00 x 12, divided by 365 days.
8. The Former Tenants have not made any payments since the application was filed.
9. The Former Tenants are 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 Tenants' obligation to pay rent ended on May 31, 2024, as requested by the Landlord. The Former Tenants vacated the rental unit on April 8, 2024, without providing proper notice to the Landlord.

ANALYSIS

10. Section 47 of the *Residential Tenancies Act, 2006* ('Act') allows a tenant to give notice to the Landlord to terminate their tenancy.
11. Section 44(2) of the Act states:

A notice under section 47, 58 or 144 to terminate a **monthly tenancy** shall be **given at least 60 days before the date the termination is specified to be effective and that date shall be on the last day of a rental period.**

[Emphasis added.]

12. Based on the Landlord's uncontested evidence, I find that the Former Tenants gave short notice on or about March 13, 2024, and vacated the rental unit on April 8, 2024, which was short notice.
13. Section 88(1)(1) of the Act speaks to the calculation of arrears when a tenant does not give proper notice. It states:

If the tenant vacated the rental unit after giving notice that was not in accordance with this Act, **arrears of rent are owing for the period that ends on the earliest termination date that could have been specified in the notice, had the notice been given in accordance with section 47, 96 or 145, as the case may be.**

[Emphasis added.]

14. Section 88(4) of the Act also requires the Board to consider whether the Landlord has established that they mitigated their damages upon being served with short notice.
15. The Former Tenants vacated after giving notice that was short, so the arrears of rent owing to the Landlord are calculated as if the Former Tenants had given proper notice. Had the Former Tenants served a notice in accordance with section 44, the earliest termination date they could have provided was May 31, 2024. This means the Landlord is entitled to rent arrears to May 31, 2024, subject to its duty to mitigate.
16. Based on the uncontested evidence before the Board I find that the Landlord made reasonable efforts to re-rent the rental unit effective, May 1, 2024, upon receiving the Former Tenants' short notice and the Former Tenants vacating the rental unit on April 8, 2024.
17. The rent arrears and daily compensation owing to May 31, 2024, are \$7,500.00.
18. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
19. I am satisfied that the Landlord is entitled to claim compensation from the Former Tenants under section 87 of the Act. The Landlord submitted evidence and uncontested testimony of the total rent owing.
20. The Landlord collected a rent deposit of \$2,500.00 from the Former Tenants and this deposit is still being held by the Landlord. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.
21. Interest on the rent deposit, in the amount of \$51.28 is owing to the Former Tenants for the period from May 1, 2023 to April 8, 2024.
22. This order contains all of the reasons for my decision within it. No further reasons shall be issued.

It is ordered that:

1. The Former Tenants shall pay to the Landlord \$7,500.00, which represents rent and compensation owing up to May 31, 2024.

2. The Former Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The Landlord owes \$2,551.28 which is the amount of the rent deposit (\$2,500.00) and interest (\$51.28) on the rent deposit, and this is deducted from the amount owing by the Former Tenants.
4. The Total amount the Former tenants owe the Landlord is \$5,134.72*. See Schedule 1 for the calculation of the amount owing.
5. If the Former Tenants do not pay the Landlord the full amount owing on or before February 9, 2026, the Former Tenants will start to owe interest. This will be simple interest calculated from February 10, 2026, at 4.00% annually on the balance outstanding.

January 29, 2026

Date Issued

Panagiotis P. Roupas

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 May 31, 2024	\$7,500.00
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit and interest on rent deposit.	- \$2,551.28
Total amount owing to the Landlord	\$5,134.72