



Order under Section 79 Residential Tenancies Act, 2006

Citation: Sardinha v Nacphee, 2026 ONLTB 12212

Date: 2026-02-09

File Number: LTB-L-074931-25

In the matter of: 1, 93 Queen St
Kingston ON K7K1A5

Between: Marie Sardinha Landlord

And

Grant Nacphee Tenant

Marie Sardinha (the 'Landlord') applied for an order to terminate the tenancy and evict Grant Nacphee (the 'Tenant') because:

- the Landlord believes that the Tenant abandoned the unit.

This application was heard by videoconference on February 3, 2026.

Only the Landlord attended the hearing.

As of 9:32 a.m., the Tenant was 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 Board's Interpretation Guideline 4: "Abandonment of a Rental Unit" explains the concept of abandonment as follows:

Abandonment is a unilateral act by the tenant to relinquish their tenancy and give up possession of the rental unit without properly giving notice of the termination to the landlord. If the landlord is not sure whether or not a rental unit has been abandoned, they may file an application for determination of this issue with the Board; however, it should be noted the Board has no jurisdiction to issue an order for rent or compensation if a tenant is no longer in possession of the rental unit (see section 87). In this case, the landlord may seek a remedy by applying to Court. Section 2(3) of the RTA provides that a rental unit is not considered abandoned where the tenant is not in arrears of rent. Even if there is

evidence of abandonment, such as the furniture being removed, the landlord cannot treat the unit as abandoned before the end of the rental period if the rent is fully paid.

2. The uncontested evidence before me was that the Tenant was in arrears when the Application was filed on August 20, 2025. The Tenant has been in arrears of rent since August 1, 2025.
3. The Landlord further testified that the Tenant has not been seen or heard of since July 31, 2025, and his belongings had been removed from his rental unit, except for the mattress and a fan. Furthermore, the Tenant left 2 of 3 of his keys on the rental unit floor. The Landlord further testified she had made numerous attempts to contact the Tenant by telephone and text, and further letter mail for him has not been retrieved from the rental unit.
4. I am satisfied based on the Landlord's uncontested evidence that the Tenant has abandoned the rental unit.
5. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
6. There is no last month's rent deposit.
7. This order contains all of the reasons for the decision within it. No further reasons shall be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of February 3, 2026.
2. The Tenant shall pay to the Landlord \$201.00 for the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before February 20, 2026, the Tenant will start to owe interest. This will be simple interest calculated from February 21, 2026 at 4.00% annually on the balance outstanding.

February 9, 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.