



Order under Section 87 Residential Tenancies Act, 2006

File Number: LTB-L-048835-25

In the matter of: 1793 MCGILL CRT
OSHAWA ON L1G8A3

Between: Ryan Joseph MacLean Landlord

And

Uthman Fakhri Former Tenant

Ryan Joseph MacLean (the 'Landlord') applied for an order requiring Uthman Fakhri (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on February 4, 2026 at 09:00 am.

Only the Landlord attended the hearing.

As of 09:30 am, 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 at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
3. 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.
4. These documents were served on October 15, 2025 by sending them to the Former Tenants current address.
5. The Former Tenant vacated the rental unit on May 31, 2025.
6. 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

8. The lawful rent was \$750.00. It was due on the 1st day of each month.
9. Based on the Monthly rent, the daily rent/compensation is \$24.66. This amount is calculated as follows: $\$750.00 \times 12$, divided by 365 days.
10. The Former Tenant has not made any payments since the application was filed.
11. It was the Landlord's testimony that the Former Tenant had signed a fixed term lease terminating effective August 31, 2025 and did not give proper notice. However, they were able to mitigate their losses by re-renting the rental unit at a \$50.00 loss commencing July 1, 2025.
12. Based on the above, I am satisfied that 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 August 31, 2025.
13. However, given the Landlord was able to mitigate their losses The rent arrears and daily compensation owing to August 31, 2025 are \$800.00.
14. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Rent Deposit

15. The Landlord collected a rent deposit of \$150.00 from the Former Tenant 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.
16. Interest on the rent deposit, in the amount of \$0.30 is owing to the Former Tenant for the period from June 2, 2025 to June 30, 2025

It is ordered that:

1. The Former Tenant shall pay to the Landlord \$800.00, which represents rent and compensation owing up to August 31, 2025.
2. The Former Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The Landlord owes \$150.30 which is the amount of the rent deposit and interest on the rent deposit, and this is deducted from the amount owing by the Former Tenant.
4. The total amount the Former Tenant owes the Landlord is \$835.70*. See Schedule 1 for the calculation of the amount owing.

5. If the Former Tenant does not pay the Landlord the full amount owing on or before March 1, 2026, the Former Tenant will start to owe interest. This will be simple interest calculated from March 2, 2026 at 4.00% annually on the balance outstanding.

February 18, 2026
Date Issued

Kelly Delaney
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 June 30, 2025	\$800
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$150.00
Less the amount of the interest on the last month's rent deposit	- \$0.30
Total amount owing to the Landlord	\$835.70