



Order under Section 87 Residential Tenancies Act, 2006

Citation: Hart v Byron, 2026 ONLTB 38344

Date: 2026-05-18

File Number: LTB-L-103352-25

In the matter of: 505 UPPER SHERMAN AVE
HAMILTON ON L8V 3L7

Between: Yvonne and Richard Hart

Landlord

And

Michael Byron

Former Tenant

Yvonne and Richard Hart (the 'Landlord') applied for an order requiring Michael Byron (the 'Former Tenant') and [the second-named respondent] to pay the rent and daily compensation.

This application was heard by videoconference on May 11, 2026.

Only the Landlord and counsel Katherine Haist attended the hearing representing the second-named respondent.

As of 10:14 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 evidence of the Landlord and the second-named respondent.

Determinations:

1. For reasons that follow, I find that the second-named respondent is not a necessary party to these proceedings.
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 August 15, 2025.
4. The application was filed within one year after the Former Tenant ceased to be in possession of the rental unit.
5. The Former Tenant has not made any payments since the application was filed.

8. The tenancy ended on August 15, 2025 as a result of the Former Tenant moving out in accordance with an agreement to terminate the tenancy. Therefore, the Former Tenant's obligation to pay rent ended on that date.
9. The rent arrears and daily compensation owing to August 15, 2025 are \$4,437.50.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
14. The Landlord collected a rent deposit of \$1,775.00 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.
15. Interest on the rent deposit, in the amount of \$33.31 is owing to the Former Tenant for the period from November 15, 2024 to August 15, 2025
16. The parties agreed that the second-named respondent emailed the Landlord on January 25, 2026 to advise that she was severing her interest in the joint tenancy for circumstances outlines section 47.2 of the Act. The email, while not in the Board-approved form N15, complies with the substantive requirements of subsection 47.2(4) of the Act and was sufficient to sever the second-named respondent's interest in the joint tenancy as of February 28, 2025. The arrears accrued for the period after the second-named respondent severed her interest in the joint tenancy. She will be removed because she is not a necessary party to these proceedings.

It is ordered that:

1. The application and style of cause are amended to remove the second-named respondent.
2. The Former Tenant shall pay to the Landlord \$4,437.50, which represents rent and compensation owing up to August 15, 2025.
3. The Former Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
4. The Landlord owes \$1,808.31 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.
5. The total amount the Former Tenant owes the Landlord is \$2,815.19*. See Schedule 1 for the calculation of the amount owing.
6. If the Former Tenant does not pay the Landlord the full amount owing on or before May 30, 2026, the Former Tenant will start to owe interest. This will be simple interest calculated from May 31, 2026 at 4.00% annually on the balance outstanding.

May 19, 2026
Date Issued

Nersi Makki
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 August 15, 2025	\$4,437.50
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,775.00
Less the amount of the interest on the last month's rent deposit	- \$33.31
Total amount owing to the Landlord	\$2,815.19