



Order under Subsection 87(1) Residential Tenancies Act, 2006

File Number: LTB-L-027948-25

In the matter of: 103, 8 THE DONWAY E
NORTH YORK ON M3C3R7

Between: DONWAY PLACE Landlord

And

THE ESTATE OF DEBBIE KLOOSTERHUIS Tenant

DONWAY PLACE (the 'Landlord') applied for an order requiring DEBBIE KLOOSTERHUIS (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on July 10, 2025 and concluded on May 25, 2026.

Only the Landlord's Legal Representative, Sylwia McArthur, attended the hearing.

As of 10:51 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 Landlord was made aware that the Teant passed away on April 3, 2025, and the application was filed that same day.
2. Subsection 87(1) of the *Residential Tenancies Act, 2006* ('Act') states:

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. 2020, c. 16, Sched. 4, s. 18 (1).

Application under subs. (1)

(1.1) An application under subsection (1) may be made,

(a) while the tenant is in possession of the rental unit; or

(b) no later than one year after the tenant or former tenant ceased to be in possession of the rental unit.

3. Subsection 91(1) of the Act states:

(1) If a tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy shall be deemed to be terminated 30 days after the death of the tenant.

4. As the tenancy would not be deemed terminated under the Act until 30 days after the death of the Tenant, I was satisfied that the application could proceed to be heard as an L9 application as opposed to an L10 application against a tenant who vacated the rental unit before the application was filed.
5. In light of subsection 91(1) of the Act, the Landlord is entitled to claim rent arrears up until May 3, 2025, being 30 days after the Tenant's death. However, at the hearing, the Landlord elected to only claim arrears until April 30, 2025.
6. The Tenant did not pay the total rent they were required to pay for the period from December 1, 2022 to April 30, 2025.
7. The lawful rent is \$2,773.97. It is due on the 1st day of each month.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears and daily compensation owing to April 30, 2025 are \$78,965.03.
10. The amount claimed by the Landlord exceeds the monetary jurisdiction of the Board. Subsection 207(1) of the Act limits the monetary jurisdiction to that of the Small Claims Court. Effective October 1, 2025, that amount is \$50,000.00.
11. The Landlord was advised of the monetary jurisdiction and agreed to waive any amount that exceeded the Board's \$50,000.00 monetary jurisdiction. The Landlord was also advised of subsection 207(3) of the Act which states that if the party proceeds to obtain a Board order at the maximum amount, that party extinguishes the right in excess of the Board's monetary jurisdiction. The Landlord acknowledged this and amended their claim to \$50,000.00.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$50,186.00. This amount includes rent arrears owing up to April 30, 2025 and the cost of the application.

2. If the Tenant does not pay the Landlord the full amount owing on or before June 8, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 9, 2026 at 4.00% annually on the balance outstanding.

May 28, 2026
Date Issued

Fotoula Hatzantonis
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.