



Order under Section 79 Residential Tenancies Act, 2006

File Number: LTB-L-033205-26

In the matter of: TRAILER 23, 921 BANKFIELD STREET
GERALDTON ON P0T1M0

Between: The Corporation of the Municipality of Greenstone Landlord

And

The Estate of Barbara McInnis Tenant

The Corporation of the Municipality of Greenstone (the 'Landlord') applied for an order to terminate the tenancy and evict The Estate of Barbara McInnis (the 'Tenant') because the Landlord believes that the Tenant abandoned the unit.

This application was heard by videoconference on June 9, 2026.

Only the Landlord's Legal Representative, Sadie White, and the Landlord's Agent, Darcy Chapman, attended the hearing.

As of 10:58 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 applied to the Board on April 15, 2026, asking the Board to determine that the Tenant has abandoned the rental unit and issue an order terminating the tenancy on that basis.
2. The Landlord produced evidence at the hearing that Barbara McInnis (the 'Former Tenant') had passed away on May 23, 2025.
3. Normally where a tenant passes away and there are no other tenants of the rental unit, a tenancy is deemed to be terminated 30 days after the death of the tenant pursuant to section 91 of the *Residential Tenancies Act, 2006* (the 'Act'). However, in this matter the rental unit in question is a mobile home. Pursuant to section 164 of the Act, section 91 of the Act does not apply if the tenant owns the mobile home.

4. The tenancy was therefore not automatically ended by the death of the Former Tenant. The tenancy passed to the named Tenant, The Estate of Barbara McInnis, after the Former Tenant's death.
5. I am satisfied that the Tenant was in possession of the rental unit on the date the application was filed.

Abandoned Unit

6. The LTB'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.

7. Section 2(3) of the *Act* provides that a rental unit is not considered abandoned where a tenant is not in arrears of rent. Even if there is evidence of abandonment, a landlord cannot treat the unit as abandoned before the end of the rental period if the rent is fully paid.
8. In this case, the Landlord produced evidence at the hearing that the Tenant is in arrears of rent and that rent had not been paid since February 11, 2025.
9. The Landlord states through their representatives that the mobile home has not been occupied since the passing of the Former Tenant, and by all appearances is abandoned and not being maintained.
10. The Landlord produced copies of email communications sent to the Former Tenant's son, the believed executor of the Former Tenant's estate on December 18, 2025 and April 15, 2026, which received no response.
11. Based on the uncontested evidence before me I am satisfied on a balance of probabilities that the Tenant has abandoned the rental unit.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
13. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated.
2. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.

3. If the Tenant does not pay the Landlord the full amount owing on or before June 28, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 29, 2026 at 4.00% annually on the balance outstanding.

June 17, 2026
Date Issued

Sean Ramage
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.