



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

Citation: El Shaboury v Nodwell, 2022 ONLTB 534

Date: 2022-07-06

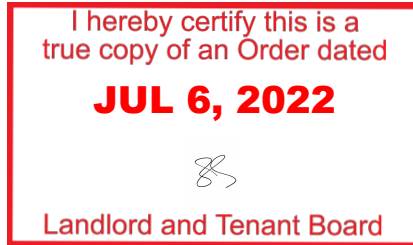
File Number: LTB-L-002387-21

In the matter of: 2, 46 LAIRD DR
St. Catharines ON L2P3E4

Between: Shrouk H El Shaboury

And

Kimberley Nodwell



Landlord

Tenant

Shrouk H El Shaboury (the 'Landlord') applied for an order requiring Kimberley Nodwell (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on June 22, 2022.

Only the Landlord's Legal Representative Jane Dean attended the hearing.

As of 2:53 p.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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

Determinations:

1. At the hearing the Landlord relied on oral submissions and referred to documents to support their application.
2. Based on the uncontested evidence provided by the Landlord's Legal Representative, I find the Tenant vacated the rental unit on March 31, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant did not pay the total rent they were required to pay for the period from November 1, 2021 to March 31, 2022.
4. The lawful rent was \$2,000.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2022, 2022 are \$10,000.00
7. The Landlord collected a rent deposit of \$750 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy is terminated.

8. Interest on the rent deposit, in the amount of \$1.45 is owing to the Tenant for the period from October 15, 2021 until February 28, 2022.
9. 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 tenancy is terminated as of March 31, 2022.
2. The Tenant shall pay to the Landlord \$9434.55.* This amount includes rent arrears owing up to March 31, 2022 and the cost of the application minus the rent deposit and interest owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before July 17, 2022, the Tenant will start to owe interest. This will be simple interest calculated from July 18, 2022 at 2.00% annually on the balance outstanding.

July 6, 2022
Date Issued



John Cashmore
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.

* Please see attached Schedule A.

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: LTB-L-002387-21

A. Amount the Tenants must pay:

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2021 until March 31, 2022	\$10,000.00

Less the rent deposit:		-\$750.00
Less interest owing by Landlord:		-\$1.45

Amount owing to the Landlord on the order date: (total of previous boxes)	\$9248.55
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Additional costs the Tenants must pay to the Landlord:	\$186.00
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Total the Tenants must pay the Landlord:	\$9434.55
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