



Oct 31, 2023

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

Citation: Collins v Westman, 2023 ONLTB 71232

Date: 2023-10-31

File Number: LTB-L-060414-22

In the matter of: 764 CURRY ST
LONDON ON N5Y1N6

Between: Andrew Collins and Yongxin Chi Landlord

And

Trinda Westman and Cliff Hatton Tenant

Andrew Collins and Yongxin Chi (the 'Landlord') applied for an order requiring Trinda Westman and Cliff Hatton (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on September 11, 2023.

Only the Landlord attended the hearing.

As of **1:50 pm**, 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 Tenant did not pay the total rent they were required to pay for the period from October 1, 2022 to April 22, 2023.
2. The lawful rent is \$2,100.00. It is due on the 1st day of each month.
3. The Tenant has not made any payments since the application was filed.
4. The tenancy ended on **April 22, 2023** as a result of the Tenant moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.
5. The rent arrears and daily compensation owing to April 22, 2023 are \$13,068.88
6. The Landlord collected a rent deposit of \$2,100.00 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.
7. Interest on the rent deposit, in the amount of \$46.17 is owing to the Tenant for the period from June 6, 2022 to April 22, 2023.
8. 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 \$11,108.71. This amount includes rent arrears owing up to April 22, 2023 and the cost of the application minus the rent deposit and interest owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before November 11, 2023, the Tenant will start to owe interest. This will be simple interest calculated from November 12, 2023 at 7.00% annually on the balance outstanding.

October 31, 2023
Date Issued

James W. Campbell

James Campbell
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.