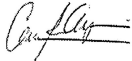




I hereby certify this is a true copy of an Order dated
SEP 05, 2023

Landlord and Tenant Board

**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Sarvos v Smith, 2023 ONLTB 60638

Date: 2023-09-05

File Number: LTB-L-031534-23

In the matter of: 800 PRINCE OF WALES DRIVE
COBOURG ON K9A5N9

Between: Matthew Sarvos Landlords
Brittany Bialas

And

Kerry Smith Tenants
Brock Smith
Quinn Smith

Matthew Sarvos and Brittany Bialas (the 'Landlords') applied for an order to terminate the tenancy and evict Kerry Smith, Brock Smith and Quinn Smith (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on August 15, 2023.

Only the Landlords attended the hearing.

As of 1:49 p.m., the Tenants were 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 Landlords' evidence.

Determinations:

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. The Tenants was in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on May 1, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$3,000.00. It was due on the 1st day of each month.
5. The Tenants has not made any payments since the application was filed.
6. The rent arrears owing to May 1, 2023 are \$3,098.63.

7. The Landlords incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of May 1, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$3,299.63. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants does not pay the Landlords the full amount owing on or before September 16, 2023, the Tenants will start to owe interest. This will be simple interest calculated from September 17, 2023 at 6.00% annually on the balance outstanding.

September 5, 2023
Date Issued



Camille Clyne
Member, Landlord and Tenant Board

15 Grosvenor St, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$3,098.63
Application Filing Fee	\$201.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Total amount owing to the Landlords	\$3,299.63