



APR 06, 2023

**Order under Sections 88.2 and 89
Residential Tenancies Act, 2006**

File Number: LTB-L-031737-22

In the matter of: 161 Cameron Street, Sarnia ON N7T4B1

Between: Chelsea Cux, Fernando Cux Landlords

And

Jordan Vandermeer Former Tenant

Chelsea Cux and Fernando Cux (the 'Landlords') applied for an order requiring Jordan Vandermeer (the 'Former Tenant') to pay the Landlords' reasonable out-of-pocket costs that are the result of the Former Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

The Landlords also applied for an order requiring the Former Tenant to pay the Landlords' reasonable out-of-pocket costs that the Landlords have incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenant, another occupant of the rental unit or someone the Former Tenant permitted in the residential complex.

This application was heard by videoconference on March 23, 2023.

Only the Landlords' Legal Representative, Bitá Di Lisi, and the Landlord, Chelsea Cux, attended the hearing.

As of 10:29 a.m., the Former Tenant was not present or represented at the hearing.

Determinations:

1. As explained below, the Landlords have proven on a balance of probabilities the allegations contained in the application. Therefore, the Former Tenant must pay the Landlords **\$7,148.24** by April 17, 2023.
2. I am satisfied that the Landlords served the Former Tenant with the application and Notice of Hearing in accordance with subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the "Act") and Rules 3.3 and 5.8 of the LTB's Rules of Procedure. These documents were served on March 3, 2023, by mail to 125 College Avenue South, Apt. 808, Sarnia ON N7T2Z4.

3. The Former Tenant vacated the rental unit on September 16, 2021.
4. The application was filed within one year after the Former Tenant ceased to be in possession of the rental unit.

Compensation for unpaid utility costs

5. The Former Tenant failed to pay utility costs that he was required to pay under the terms of the tenancy agreement.
6. The Landlords have incurred reasonable out-of-pocket expenses of \$344.09 as a result of the Former Tenant's failure to pay the City of Sarnia water bills. The Landlords' Legal Representative presented a copy of the unpaid bill into evidence.

Compensation for damage

7. The Former Tenant, another occupant of the rental unit or a person whom the Former Tenant permitted in the residential complex wilfully or negligently caused undue damage to the rental unit or residential complex.
8. The Landlords' Legal Representative explained that the Former Tenant had regularly left his dog and 2 cats at home alone and unattended inside the rental unit while he worked long hours as a truck driver. The basement was completely soaked in urine and feces was everywhere. A major clean up was necessary and the carpets and baseboards needed to be replaced. The Landlords' Legal Representative submitted copies of the bills and pictures into evidence.
9. The Landlords have incurred reasonable costs of \$6,603.15 to repair the damage and/or replace property that was damaged and cannot reasonably be repaired.
10. The Landlords also incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Former Tenant shall pay to the Landlords **\$344.09**, which represents the reasonable out-of-pocket expenses the Landlords incurred as a result of the unpaid utility costs.
2. The Former Tenant shall also pay to the Landlords **\$6,603.15**, which represents the reasonable costs the Landlords incurred as a result of the damage.

3. The Former Tenant shall also pay to the Landlords **\$201.00** for the cost of filing the application.
4. If the Former Tenant does not pay the Landlords the full amount owing on or before April 17, 2023, the Former Tenant will start to owe interest. This will be simple interest calculated from April 18, 2023, at 6% annually on the balance outstanding.

April 6, 2023
Date Issued

Michael Di Salle

Michael Di Salle
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.