



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Dessa v Chesterton, 2023 ONLTB 75151

**Date:** 2023-11-16

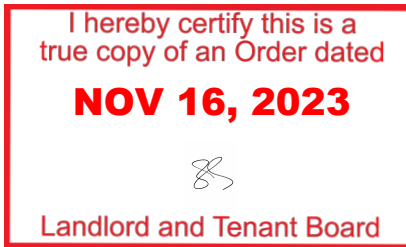
**File Number:** LTB-L-050007-23

**In the matter of:** 3, 1135 MONTREAL ST  
KINGSTON ON K7K3K6

**Between:** Paul Dessa

**And**

Sara Chesterton



Landlord

Tenant

Paul Dessa (the 'Landlord') applied for an order to terminate the tenancy and evict Sara Chesterton (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 7, 2023.

The Landlord Paul Dessa and the Tenant Sara Charleston attended the hearing.

### Determinations:

#### Preliminary Issues

1. The total amount owing on the second page of the N4 notice did not match the amount required to void the notice as stipulated on the first page of the N4. The N4 notice must accurately set out to the Tenant the amount that is required to void the notice. Given the confusing amounts on the N4 notice I found it defective.
2. I explained the options available to the Landlord and he opted to proceed for an order for the rent arrears only.
3. The Tenant stated she had legally changed her surname to Webster. The Landlord did not agree that she had done so and as such I did not amend the application to reflect the surname the Tenant stated she now uses.

#### Rent Arrears

4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The lawful rent is \$1,600.00. It is due on the 1st day of each month.
6. The rent arrears claimed on the application are for the period ending May 31, 2023. The application was filed on June 26, 2023 and the Tenant paid \$300.00 towards the monthly rent in June 2023. The Tenant has not made any payments to the Landlord since the application was filed.

7. The rent arrears owing to November 30, 2023 are \$10,950.00.
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 \$11,136.00. This amount includes rent arrears owing up to November 30, 2023 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before January 31, 2024, the Tenant will start to owe interest. This will be simple interest calculated from February 1, 2024 at 7.00% annually on the balance outstanding.



**November 16, 2023**  
**Date Issued**

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**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.