



**Order under Section 69 and 87(1)  
Residential Tenancies Act, 2006**

**Citation:** Greenwood v Clarke, 2024 ONLTB 28634

**Date:** 2024-04-15

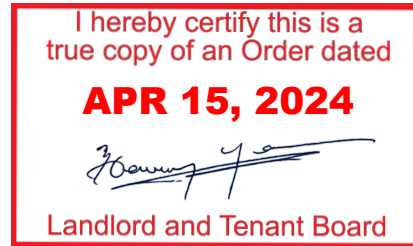
**File Number:** LTB-L-071870-23

**In the matter of:** A, 34 Princess Street  
Orangeville ON L9W1W3

**Between:** Kerri Greenwood

**And**

Nicole Clarke



Landlord

Tenant

Kerri Greenwood (the 'Landlord') applied for an order requiring Nicole Clarke (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on March 5, 2024.

Only the Landlord's Legal Representative, Lawrence Pomfret, attended the hearing.

As of 1:41PM, 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 Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). At hearing, the N4 was found to be defective.
2. Subsection 80(1) of the *Residential Tenancies Act, 2006* (the 'Act') reads as follows:

**80** (1) If a notice of termination of a tenancy has been given and the landlord has subsequently applied to the Board for an order evicting the tenant, the order of the Board evicting the tenant may not be effective earlier than the date of termination set out in the notice.

3. The termination date on the Notice is September 25, 2023. The application was filed on September 13, 2023. Based on this, I find that the Notice is defective. Therefore, the application for an order for eviction can no longer proceed.
4. The Landlord wished to continue to the application for arrears alone.
5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The Tenant did not pay the total rent they were required to pay for the period from September 1, 2023 to March 31, 2024.

7. The lawful rent is \$2,600.00. It is due on the 1st day of each month.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to March 31, 2024 are \$18,200.00.
10. 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 \$18,386.00. This amount includes rent arrears owing up to March 31, 2024 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 26, 2024, the Tenant will start to owe interest. This will be simple interest calculated from April 27, 2024 at 7.00% annually on the balance outstanding.

**April 15, 2024**  
**Date Issued**

  
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Henry Yeung  
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.