



**Order under Section 21.2 of the  
Statutory Powers Procedure Act  
and the Residential Tenancies Act, 2006**

**File Number: LTB-L-037147-22-RV**

**In the matter of:** 1922 QUEENSDALE Avenue  
Ottawa ON K1T1K1

**Concerning:** Eric Arban

**And**

Jill Johnson

I hereby certify this is a  
true copy of an Order dated  
**SEP 07 2023**  
Landlord and Tenant Board

Landlord

Tenant

**REVIEW ORDER**

Eric Arban (the 'Landlord') applied for an order to terminate the tenancy and evict Jill Johnson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was originally heard by videoconference on February 13, 2023. Only the Landlord attended the hearing.

This application was resolved by order LTB-L-037147-22 issued on April 6, 2023.

On May 24, 2023, the Tenant requested that order LTB-L-037147-22, issued on April 6, 2023, be reviewed and that the order be stayed until the request to review the order is resolved.

On May 25, 2023 interim order LTB-L-037147-22-RV-IN was issued, staying the order issued on April 6, 2023

This request was heard by video conference on June 21, 2023.

The Landlord and the Tenant attended the hearing.

**Determinations:**

Request to Review

1. The Tenant requested a review of order LTB-L-037147-22 issued on April 6, 2023 because she was not reasonably able to participate in the hearing held on February 13, 2023.
2. The Tenant testified that she did not receive a copy of the notice of hearing.
3. There is no record in the Board's file that indicates that the notice of hearing was mailed to the Tenant.
4. The request to review is granted. As a result, order LTB-L-037147-22 issued on April 6, 2023 was cancelled, and a new hearing was held to consider the merits of the original application
5. The Tenant vacated the unit as a result of the sheriff enforcing the order on May 25, 2023 and is not looking to be put back into possession.

Merits of the Original Application

6. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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.
7. The Tenant was in possession of the rental unit on the date the application was filed.
8. The Tenant vacated the rental unit on May 25, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
9. The lawful rent is \$. It was due on the 1st day of each month.
10. The Tenant has paid \$4,685.00 to the Landlord since the application was filed.
11. The rent arrears owing to May 25, 2023 are \$11,274.50.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
13. The Landlord collected a rent deposit of \$1,350.00 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 terminated.
14. Interest on the rent deposit, in the amount of \$135.09 is owing to the Tenant for the period from October 18, 2016 to May 25, 2023.

**It is ordered that:**

1. The request to review order LTB-L-037147-22 issued on April 6, 2023 is granted.
2. Order LTB-L-037147-22 issued on April 6, 2023 is cancelled and replaced by the following:

3. The tenancy between the Landlord and the Tenant is terminated as of May 25, 2023, the date the Tenant moved out of the rental unit
4. The Tenant shall pay to the Landlord \$9,975.41. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
5. If the Tenant does not pay the Landlord the full amount owing on or before September 18, 2023, the Tenant will start to owe interest. This will be simple interest calculated from September 19, 2023 at 5.00% annually on the balance outstanding.

**September 7, 2023**

**Date Issued**



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Emily Robb

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.

## Schedule 1 SUMMARY OF CALCULATIONS

### A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$15,959.50
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$4,685.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,350.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$135.09
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$9,975.41</b>