



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

Citation: Shittu v Gordon, 2024 ONLTB 11097

Date: 2024-02-14

File Number: LTB-L-078336-23

In the matter of: 300 PIM ST
SAULT STE. MARIE ON P6B2T6

Between: Adenike Shittu

And

Evelyn Gordon
Michael Balue

I hereby certify this is a
true copy of an Order dated
FEB 14, 2024
Siniposthwa
Landlord and Tenant Board

Landlord

Tenants

Adenike Shittu (the 'Landlord') applied for an order to terminate the tenancy and evict Evelyn Gordon and Michael Balue (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 31, 2024.

The Landlord and the Tenant Evelyn Gordon attended the hearing.

Determinations:

1. The Landlord 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 were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on January 31, 2024. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,850.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to January 31, 2024 are \$14,050.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,850.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.

9. Interest on the rent deposit, in the amount of \$91.13 is owing to the Tenants for the period from August 6, 2021 to January 31, 2024.
10. The Tenant requested a payment plan in which she would repay the Landlord \$250 every month but did not provide any information about her monthly income. According to the Tenant, she is working full-time as a driver and is applying for other jobs but does not have an employment offer yet.
11. The Landlord testified that she has been on maternity leave and is having trouble paying the mortgage on the property because the Tenants have not paid rent since June 2023. According to the Landlord, she had to obtain a personal line of credit to pay her mortgage and property taxes.
12. Given the large amount of arrears, the lack of income information provided by the Tenant, and the Landlord's financial difficulties, I find it unfair to delay the arrears payment due date.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of January 31, 2024, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$12,294.87. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before February 25, 2024, the Tenants will start to owe interest. This will be simple interest calculated from February 26, 2024 at 7.00% annually on the balance outstanding.

February 14, 2024
Date Issued



Kate Sinipostolova
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	\$14,050.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,850.00
Less the amount of the interest on the last month's rent deposit	- \$91.13
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlord	\$12,294.87