



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

Citation: Ouimette v Charlebois, 2024 ONLTB 13525

Date: 2024-03-05

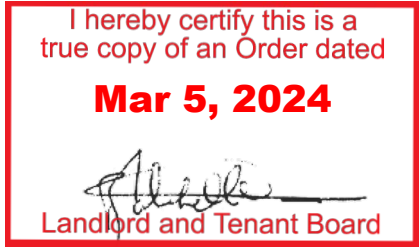
File Number: LTB-L-072184-22-BIR

In the matter of: 678 DOLLARD ST
CASSELMAN ON K0A1M0

Between: Sophie Ouimette

And

Melissa Charlebois
Nicholas Martin



Landlord

Tenants

Sophie Ouimette (the 'Landlord') applied for an order to terminate the tenancy and evict Melissa Charlebois and Nicholas Martin (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also applied for an order to terminate the tenancy and evict the Tenants because the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has wilfully or negligently caused undue damage to the premises.

This application was heard by videoconference on February 13, 2024.

The Landlord Legal Representative Katherine Smith and the Landlord attended the hearing.

As of 1:20 p.m., the Tenants were 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.

Board Initiated Review:

1. The Board issued LTB-L-072184-22-BIR-IN on January 26, 2024, on its own initiative to determine if the Board erred in issuing order LTB-L-072184-22 on January 23, 2024 dismissing the application as abandoned, when the January 10, 2024 hearing had been rescheduled into a bilingual docket.
2. The Landlord consented to the Board Initiated Review.
3. Therefore, the order LTB-L-072184-22 issued on January 23, 2024, shall be cancelled. The hearing proceeded to continue to hear the Landlord applications.

Determinations:

L2 Application

1. The Tenants vacated the rental unit on October 8, 2023. The application for eviction is moot. Therefore, the Landlord requested to withdraw the L2 application.
2. The Board consented to the request to withdraw the L2 application.

L1 Application

3. The Landlord Legal Representative requested to amend the L1 application. The representative testified that the rental period was from the 1st day of each month to the end of each month.
4. The L1 application had indicated that the rental period was from the 21th day of the month to the 31st day of the following month. The N4 notice of termination indicated that the rental period was from the 20th day of each month to the 20th day of the following month.
5. The Board consented to the request to amend the application. The Tenants had vacated and there was no prejudice in confirming the actual rental period.
6. The Landlord served the Tenants with a 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.
7. As the Tenants had vacated, and this is only an order for arrears of rent as of the date that the tenancy ended, the N4 notice of termination was not considered by the Board.
8. The Tenants were in possession of the rental unit on the date the application was filed.
9. The Tenants vacated the rental unit on October 8, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
10. The lawful rent is \$1,500.00. It was due on the 1st day of each month.
11. The Tenants have paid \$5,810.00 to the Landlord since the application was filed.
12. The rent arrears owing to October 31, 2023, are 10,690.00
13. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
14. There is no last month's rent deposit.

It is ordered that:

Board Initiated Review:

1. The Board Initiated Review is granted, order LTB-L-072184-22 issued on January 23, 2024, is cancelled, and replaced by the following.

L2 Application:

2. The Landlord L2 application to evict the Tenants is dismissed.

L1 Application:

3. The tenancy between the Landlord and the Tenants is terminated as of October 8, 2023, the date the Tenants moved out of the rental unit.
4. The Tenants shall pay to the Landlord \$9,770.12. The Tenants owe the Landlord rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
5. If the Tenants do not pay the Landlord the full amount owing on or before March 16, 2024, the Tenants will start to owe interest. This will be simple interest calculated from March 17, 2024, at 7.00% annually on the balance outstanding.

March 5, 2024
Date Issued



Robert Patchett
Vice Chair, 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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$15,394.12
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5,810.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$9,770.12