



**Order under Sections 88.2 and 89
Residential Tenancies Act, 2006**

File Number: LTB-L-031647-22

In the matter of: 365 East Street North, Sarnia ON N7T6Y2

Between: Justin Martin Landlord

And

Cheri Marchand (Langlois), Tyson Wells Former Tenants

Justin Martin (the 'Landlord') applied for an order requiring Cheri Marchand (Langlois) and Tyson Wells (the 'Former Tenants') to pay the Landlord's reasonable out-of-pocket costs that are the result of the Former Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

The Landlord also applied for an order requiring the Former Tenants to pay the Landlord's reasonable out-of-pocket costs that the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Former Tenants, another occupant of the rental unit or someone the Former Tenants permitted in the residential complex.

This application was heard by videoconference on March 9, 2023.

Only the Landlord's Agent, Irene Martin, attended the hearing.

As of 10:36 a.m., the Former Tenants were not present or represented at the hearing.

Determinations:

1. As explained below, the Landlord has proven on a balance of probabilities the allegations contained in the application. Therefore, the Former Tenants must pay the Landlord **\$5,019.07** by April 3, 2023.
2. I am satisfied that the Landlord served the Former Tenants with the application and Notice of Hearing in accordance with subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the "Act") and Rules 3.3 and 5.8 of the LTB's Rules of Procedure. These documents were served on February 11, 2023, by

placing the documents in the mailbox of the Former Tenants' current address: 704 Houser Street, Point Edward ON N7V4J4.

3. The Former Tenants vacated the rental unit on November 30, 2021.
4. The application was filed within one year after the Former Tenants ceased to be in possession of the rental unit.

Compensation for unpaid utility costs

5. The Landlord's Agent presented into evidence copies of the Former Tenants' unpaid Bluewater Power bills totalling \$685.44. The Former Tenants were required to pay the bills under the terms of the tenancy agreement.

Compensation for damage

6. The Landlord's Agent also presented into evidence an extensive 76-page document which illustrated the list of damages that the Former Tenants wilfully or negligently caused to the rental unit. Receipts, bills and photos were included.
7. There was damage to the outside shed, a missing lawnmower, a missing vintage kettle, keys and locks had to be replaced, smoke detectors were removed, lighting fixtures were missing, the dryer was smashed, kitchen flooring had to be repaired, the kitchen backsplash was broken, the upstairs bathroom was damaged, broken glass on the side door, rubbish was left in the rental unit, as well as various areas in the rental unit needed repairing and painting.
8. As a result of the Former Tenants actions, the Landlord incurred or will incur reasonable costs of \$4,132.63 to repair the damage and/or replace property that was damaged and cannot reasonably be repaired.
9. The Landlord also incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Former Tenants shall pay to the Landlord **\$685.44**, which represents the reasonable out-of-pocket expenses the Landlord incurred as a result of the unpaid utility costs.
2. The Former Tenants shall also pay to the Landlord **\$4,132.63**, which represents the reasonable costs the Landlord incurred or will incur as a result of the damage.

3. The Former Tenants shall also pay to the Landlord **\$201.00** for the cost of filing the application.
4. If the Former Tenants do not pay the Landlord the full amount owing on or before April 3, 2023, the Former Tenants will start to owe interest. This will be simple interest calculated from April 4, 2023, at 5% annually on the balance outstanding.

March 23, 2023

Date Issued

Michael Di Salle

Michael Di Salle

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.