



Order under Section 69 Residential Tenancies Act, 2006

Citation: 2189036 Ontario Inc. o/a Howard Johnson Niagara Falls v Kerkdyk, 2024 ONLTB 1309

Date: 2024-01-04

File Number: LTB-L-057167-23

In the matter of: ROOM 158, 8100 LUNDY'S LANE NIAGARA
FALLS ON L2H1H1

Between: 2189036 Ontario Inc. o/a Howard Johnson
Niagara Falls

Landlord

And

Dwayne Kerkdyk Tenant

2189036 Ontario Inc. o/a Howard Johnson Niagara Falls (the 'Landlord') applied for an order to terminate the tenancy and evict Dwayne Kerkdyk (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 18, 2023.

Only the Landlord's Legal Representative, Judith Callender attended the hearing.

As of 9:55 a.m., 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 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on December 17, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful daily rent is \$56.41.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to December 17, 2023 are \$20,853.09.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of December 17, 2023, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$21,039.09. 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. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before January 15, 2024, the Tenant will start to owe interest. This will be simple interest calculated from January 16, 2024 at 7.00% annually on the balance outstanding.

January 4, 2024

Date Issued

Charles Dowdall

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.

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Schedule 1 SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$20,853.09
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Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
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	\$21,039.09