



Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

**Order under Section 87
Residential Tenancies Act, 2006**

Citation: Willing v Moreno, 2023 ONLTB 77281

2023 ONLTB 77281 (CanLII)

In the matter of: 209, 731 Pine Street
Sault Ste. Marie Ontario P6B3G2

Between: Aaron Willing Landlord
Williams & McDaniel Property Management

And

Walter Moreno Former Tenant
Anne Gutierrez

Aaron Willing and Williams & McDaniel Property Management (the 'Landlord') applied for an order requiring (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on September 28, 2023.

Only the Landlord's legal representative, John Anderson, attended the hearing.,

Determinations:

1. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.

2. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's Rules of Procedure.
3. These documents were served on August 25, 2023 by mail. The documents were mailed to the Former Tenant's current address that was provided to the Landlord by the Former Tenant.

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4. The Former Tenant vacated the rental unit on May 31, 2022.
5. The application was filed within one year after the Former Tenant ceased to be in possession of the rental unit.
6. There is no last month's rent deposit.

Arrears of Rent

7. The position of the Landlord is that the Former Tenant did not pay rent the tenant owed from April 1, 2022 until May 31, 2022 in the amount of \$1,236.16.
8. The Former Tenant has not made any payments since the application was filed.
9. Based on the uncontested evidence submitted by the landlord, and on a balance of probabilities, I find the Former Tenant owes the landlord \$1,236.16 in arrears.

NSF Fees

10. The Landlord claimed \$20.00 for administration charges the Landlord incurred as a result of non payment of rent by the Tenant due to 1 transactions deemed "insufficient funds" by the Tenants financial institution.
11. Subsection 87(5) of the Act permits the Board to award NSF charges that are charged by financial institutions in relation to "cheques" tendered to the landlord by or on behalf of the tenant and administration charges in relation to "cheques".
12. The charges must be in relation to a "cheque", and the Legislature has not authorized the awarding of any charges in relation to any other kind of negotiable instrument or payment method.

13. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
14. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
15. This order contains all reasons for the determinations and order made. No further reasons will be issued.

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It is ordered that:

1. The Former Tenant shall pay to the Landlord \$1,236.16, which represents rent and compensation owing up to .
2. The Former Tenant shall pay to the Landlord \$201.00 for the cost of filing the application.
3. The total amount the Former Tenant owes the Landlord is \$1,437.16.
4. If the Former Tenant does not pay the Landlord the full amount owing on or before December 9, 2023, the Former Tenant will start to owe interest. This will be simple interest calculated from December 10, 2023 at 7.00% annually on the balance outstanding.

November 28, 2023

Date Issued
Brocanier

Greg

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.

