



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

**Citation:** Chen v Tremblay, 2023 ONLTB 68626

**Date:** 2023-10-18

**File Number:** LTB-L-025425-23

**In the matter of:** 302 GENEVIEVE ST HAWKESBURY  
ON K6A2L9

**Between:** Chen lung Chen

Landlord

**And**

Jessica Tremblay and Joel Carriere

Tenant

Chen lung Chen (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Tremblay and Joel Carriere (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 5, 2023.

The Landlord and the Tenant Jessica Tremblay attended the hearing.

During the hearing, the Tenant made a payment through electronic transfer to the Landlord that may clear the arrears of rent owing. I have issued this order since there was no evidence that the payment had gone through. The Tenant was made aware that if she paid her arrears in full this would void the order.

### **Determinations:**

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early 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 lawful rent is \$1,104.72. It is due on the 1st day of each month.
3. Based on the Monthly rent, the daily rent/compensation is \$36.32. This amount is calculated as follows: \$1,104.72 x 12, divided by 365 days.

4. The Tenant has paid \$7,962.00 to the Landlord since the application was filed.
5. The rent arrears owing to October 31, 2023 are \$(13.24).
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. There is no last month's rent deposit.
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - \$172.76 if the payment is made on or before October 29, 2023. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after October 29, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before October 29, 2023**
5. As of the date of the hearing, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation and the cost of filing the application the Landlord is entitled to by \$750.36. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing to the Tenant \$36.32 per day for compensation for the use of the unit starting October 6, 2023 until the date the Tenant moves out of the unit.
6. The Tenant shall pay the Landlord \$39.32 in daily compensation for each day the Tenant remains in the rental unit starting October 6, 2023 until the Tenant vacates the rental unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before October 29, 2023, the Tenant will start to owe interest. This will be simple interest calculated from October 30, 2023 at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before October 29, 2023, then starting October 30, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

9. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after October 30, 2023.

**October 18, 2023**

**Date Issued**

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Nicole Huneault

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on April 30, 2024 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

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**Schedule 1**  
**SUMMARY OF CALCULATIONS**

**A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before October 29, 2023**

Rent Owing To October 31, 2023	\$7,948.76
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$7,962.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$172.76</b>

**B. Amount the Tenant must pay if the tenancy is terminated**

Rent Owing To Hearing Date	\$7,025.64
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$7,962.00
<b>Total amount owing to the Landlord</b>	<b>\$(750.36)</b>
Plus daily compensation owing for each day of occupation starting October 6, 2023	\$36.32 (per day)

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