



Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: Kelly v Siegle, 2023 ONLTB 67498

Date: 2023-10-11

File Number: LTB-L-013176-23

In the matter of: 3923 Riverside Drive East Windsor,
ON N8Y 1B1

Between: Deborah A Kelly Landlord

And

Christina Siegle Tenant

Deborah A Kelly (the 'Landlord') applied for an order requiring Christina Siegle (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on September 11, 2023.

Only the Landlord attended the hearing.

As of 10:16 am, 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 Tenant did not pay the total rent they were required to pay for the period from February 1, 2023 to March 1, 2023.
2. The lawful rent is \$2,500.00. It is due on the 1st day of each month.
3. The Tenant has not made any payments since the application was filed.
4. The Tenant is no longer in possession of the rental unit. The Landlord testified that the Tenant paid her first and last month's rent deposit prior to January 1, 2023 however, the Tenant advised the Landlord verbally in the middle of January that she intended on vacating the unit, which notice was never accepted by the Landlord.
5. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, in accordance with s. 88(1) of the

Residential Tenancies Act, 2006 (the 'Act') the Tenant's obligation to pay rent ended on April 30, 2023

6. The rent arrears and daily compensation owing to April 30, 2023 are \$7,500.00.

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7. The Landlord collected a rent deposit of \$2,500.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy is terminated.
8. Interest on the rent deposit, in the amount of \$43.58 is owing to the Tenant for the period from December 31, 2022 to March 1, 2023.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$5,142.42. This amount includes rent arrears owing up to April 30, 2023 and the cost of the application minus the rent deposit and interest owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before October 22, 2023, the Tenant will start to owe interest. This will be simple interest calculated from October 23, 2023 at 7.00% annually on the balance outstanding.

October 11, 2023

Date Issued

Jagger Benham

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.

