



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

Citation: Romanello v Peaire, 2023 ONLTB 51781

Date: 2023-07-27

File Number: LTB-L-020508-23

In the matter of: 14 MILTON AVE
HAMILTON ON L8L6E6

Between: David Romanello Landlord

And

Morgan Peaire Tenant

David Romanello (the 'Landlord') applied for an order requiring Morgan Peaire (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on July 6, 2023.

Only the Landlord attended the hearing.

As of 3:25p.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. At the hearing the Board raised a preliminary issue with respect to the Landlord's application. The Landlord served the Tenant with a Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). However, the Landlord filed a L9 Application for Arrears only. The Landlord was advised that the Board cannot terminate the tenancy as the Landlord filed a L9 Application, to which he responded that he has also filed an L1 Application (File #LTB-L-031205-23) and had requested these matters be heard together. I advised the Landlord that the L1 application was not before me. The Landlord indicated that he wished to proceed with the L9 Application. I advised the Landlord that if he proceeded with the L9 Application, he cannot later terminate the tenancy and seek eviction based on the same period of arrears claimed on this L9 application to which he indicated he understood and confirmed he wished to proceed with the L9 Application for arrears only.
2. The Landlord requested an amendment to the L9 application to correct that the rent owing for the period December 1, 2022, to March 31, 2023, equates to \$10,400.00, which the Tenant has paid

\$1,300.00 leaving remaining balance to be paid (and the total of which is being claimed) of \$9,100.00. I have exercised my discretion under section 201(1) of the Residential Tenancies Act, 2006 to amend the application to reflect that the total arrears being claimed on the application for the period of December 1, 2022, to March 31, 2023, is

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\$9,100.00. There is no prejudice to the Tenant from this amended because the total amount of rent arrears being claimed on the application is now less.

3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The Tenant did not pay the total rent they were required to pay for the period from December 1, 2022, to July 31, 2023.
5. The lawful rent is \$2,600.00. It is due on the 1st day of each month.
6. The Tenant has paid \$700.00 to the Landlord after the application was filed.
7. The rent arrears owing to July 31, 2023, are \$18,800.00
8. 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 \$18,986.00. This amount includes rent arrears owing up to July 31, 2023, and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before August 7, 2023, the Tenant will start to owe interest. This will be simple interest calculated from August 8, 2023, at 6.00% annually on the balance outstanding.

July 27, 2023

Date Issued

Inderdeep Padda

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

