



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

Citation: Sharon Da Cunha v Sean Bryan, 2023 ONLTB 43932

Date: 2023-06-26

File Number: LTB-L-007081-23

In the matter of: 721, 4011 BRICKSTONE MEWS MISSISSAUGA
ON L5B0J7

Between: Sharon Da Cunha Landlord

And

Sean Bryan Tenant

Sharon Da Cunha (the 'Landlord') applied for an order to terminate the tenancy and evict Sean Bryan (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord's agent Ali Ahmed attended the hearing

As of 4:09 pm, 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 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 Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit and rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,024.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing are \$2,024.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. Unfortunately, I forgot to ask what day the Tenant moved out and also whether there was an LMR, so I am going to assume there is a LMR, as per the Landlord's update, and treat March 31, 2023 as the move out date, as per the Landlord's update. The Landlord

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collected a rent deposit of \$2,000.00 from the Tenant and if this deposit is still being held by the Landlord, then the rent deposit is to be applied to the final month of the tenancy.

It is ordered that:

9. The tenancy between the Landlord and the Tenant is terminated as of March 31, 2023, the date the Tenant moved out of the rental unit
10. The Tenant shall pay to the Landlord \$210.00. 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. The rent deposit and interest the Landlord owes on the rent deposit, if any, is to be deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
11. If the Tenant does not pay the Landlord the full amount owing on or before July 10, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 11, 2023 at 6.00% annually on the balance outstanding.

June 26, 2023

Date Issued

Michelle Tan
Vice Chair, Landlord and
Tenant Board

James W. Campbell
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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$2,024.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount of the last month's rent deposit (if any)	(- \$2,000.00)
Total amount owing to the Landlord	\$210.00