



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

**Citation:** Equiton Residential Income Fund LP. v Chantal Markham, 2023 ONLTB 45830

**Date:** 2023-06-21

**File Number:** LTB-L-069635-22

**In the matter of:** 606, 78 BRAEMAR DR  
BRAMPTON ON L6T2M2

**Between:** Equiton Residential Income Fund LP. Landlord

**And**

Chantal Markham Tenant

Equiton Residential Income Fund LP. (the 'Landlord') applied for an order requiring Chantal Markham (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on May 8, 2023.

Only the Landlord's representative Daniel Abraham, licensed paralegal attended the hearing.

As of 2:20 p.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. The Tenant vacated the rental unit on January 31, 2023. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Landlord amended their application to an L9 application solely for arrears of rent and the filing fee. The Landlord was seeking the arrears outstanding to January 31, 2023.
3. The Tenant did not pay the total rent they were required to pay for the period from November 1, 2022 to January 31, 2023.
4. The lawful rent is \$1,735.00. It is due on the 1<sup>st</sup> day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The tenancy ended on January 31, 2023 as a result of the Tenant moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.

7. The rent arrears and daily compensation owing to January 31, 2023 are \$3,470.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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Landlord and Tenant Board

**Tribunaux décisionnels Ontario**  
Commission de la location immobilière

9. The Landlord collected a rent deposit of \$1,735.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$1,892.09. This amount includes rent arrears owing up to January 31, 2023 and the cost of the application, less the rent deposit and interest owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before July 2, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 3, 2023 at 6.00% annually on the balance outstanding.

**June 21, 2023**  
**Date Issued**

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**Greg Witt**  
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.

