



Order under Section 69 Residential Tenancies Act, 2006

Citation: Ottawa Community Housing Corp. v Jodie Smith, 2023 ONLTB 44886

Date: 2023-06-19

File Number: LTB-L-008272-23

In the matter of: 3005 DUMAURIER AVE OTTAWA
ON K2B8A3

Between: Ottawa Community Housing Corp. Landlord

And

Jodie Smith Tenant

Ottawa Community Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Jodie Smith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 7, 2023 at 1:00 pm.

Only the Landlord Representative Debbie Dawson attended the hearing.

As of 1:30 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,378.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$45.30. This amount is calculated as follows: \$1,378.00 x 12, divided by 365 days.
5. The Tenant has paid \$1,535.00 to the Landlord since the application was filed.
6. The rent arrears owing to June 30, 2023 are \$0.00.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

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9. 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 not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.
10. Specifically at the hearing the Landlord Representative submitted that they would not be seeking eviction only that the Tenant pay interest on the balance owing.

It is ordered that:

1. The Tenant shall pay to the landlord \$186.00, the cost incurred by the Landlord for filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before June 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 1, 2023 at 6.00% annually on the balance outstanding.

June 19, 2023
Date Issued

Kelly Delaney

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 January 1, 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.

