



Order under Section 69 Residential Tenancies Act, 2006

Citation: Pinedale Properties Ltd. v Scott Thompson, 2023 ONLTB 44211

Date: 2023-06-16

File Number: LTB-L-077749-22

In the matter of: 1908, 7 CRESCENT PL
EAST YORK ON M4C5L7

Between: Pinedale Properties Ltd. Landlord

And

Scott Thompson Tenant

Pinedale Properties Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Scott Thompson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord's Legal Representative Melissa Anjema and the Landlord's Agent Mario Gambelic attended the hearing.

As of 10:11 a.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 Landlord obtained an order from the Board dated April 11, 2023 on an L2 application based on an N6 Notice (LTB-L-016654-23). This order terminated the tenancy effective May 31, 2023.
2. As of the hearing date, the Tenant was still in possession of the rental unit. While tenancy has already been lawfully terminated as a result of the order issued on April 11, 2023, I will consider the application before me which seeks termination of the tenancy on different grounds. However, if the Tenant has vacated the rental unit prior to the date this order has been issued as a result of the previous order, the Tenant will only owe arrears up to the date he vacates.
3. This order does not affect the validity of the previous order (LTB-L-016654-23) or affect the Landlord's right to enforce termination of the tenancy and eviction in accordance with that order.
4. 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.

5. The lawful rent is \$1,133.14. It is due on the 1st day of each month.
6. Based on the Monthly rent, the daily rent/compensation is \$37.25. This amount is calculated as follows: \$1,133.14 x 12, divided by 365 days.
7. The Tenant has paid \$5,459.50 to the Landlord since the application was filed.
8. The rent arrears owing to June 30, 2023 are \$1,931.02.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$1,084.40 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.
11. Interest on the rent deposit, in the amount of \$5.05 is owing to the Tenant for the period from March 31, 2023 to June 6, 2023.
12. The Landlord's Agent testified that the Landlord sends monthly reminder letters to Tenants who are in arrears of rent but received no response. The Landlord's Agent testified that he has attempted to speak personally with the Tenant with respect to another Board file, but the Tenant was unreceptive and yelled at the Landlord's Agent.
13. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$2,117.02 if the payment is made on or before June 27, 2023. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after June 27, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before June 27, 2023**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$117.93. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are

deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.

6. The Tenant shall also pay the Landlord compensation of \$37.25 per day for the use of the unit starting June 7, 2023 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before June 27, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 28, 2023 at 6.00% annually on the balance outstanding.
8. If the unit is not vacated on or before June 27, 2023, then starting June 28, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June 28, 2023.

June 16, 2023

Date Issued

Margo den Haan

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 December 28, 2023 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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before June 27, 2023

Rent Owing To June 30, 2023	\$7,390.52
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5,459.50
Total the Tenant must pay to continue the tenancy	\$2,117.02

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$6,480.88
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5,459.50
Less the amount of the last month's rent deposit	- \$1,084.40
Less the amount of the interest on the last month's rent deposit	- \$5.05
Total amount owing to the Landlord	\$117.93
Plus daily compensation owing for each day of occupation starting June 7, 2023	\$37.25 (per day)