



Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

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

Citation: Clinton Hadwyn v Breanna Story, 2023 ONLTB 41815

Date: 2023-06-09

File Number: LTB-L-061909-22

In the matter of: Front, 1049 HIGH ST
PETERBOROUGH ON K9J5R8

Between: Clinton Hadwyn Landlord

And

Breanna Story Tenant

Clinton Hadwyn (the 'Landlord') applied for an order to terminate the tenancy and evict Breanna Story (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 27, 2023. Only the Landlord's agent, C. Hadwyn attended the hearing.

I waited until after 9:30am to call the matter, 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 on December 1, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$. 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 to December 1, 2022 are \$11,986.96.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord is holding a last month's rent deposit in the amount of \$1,550.00.
9. Interest owing to the Tenant on the deposit for the period September 1, 2020 to December 1, 2022, is \$29.91

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of December 1, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$10,593.05. 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, less the last month's rent deposit and less the interest owed on the deposit. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before June 20, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 21, 2023 at 6.00% annually on the balance outstanding.

June 9, 2023**Date Issued**_____
Curtis Begg

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	\$11,986.96
Application Filing Fee	\$186.00
NSF Charges	\$0.00

Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,550.00
Less the amount of the interest on the last month's rent deposit	- \$29.91
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$10,593.05