



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

**Citation:** Jones Tammy v Amber Boersema, 2023 ONLTB 40956

**Date:** 2023-06-07

**File Number:** LTB-L-035935-22

**In the matter of:** 6, 5447 Lakeshore Road  
Burlington ON L7L1E1

**Between:** Jones Tammy Landlord

**And**

Amber Boersema Tenant

Jones Tammy (the 'Landlord') applied for an order to terminate the tenancy and evict Amber Boersema (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on May 15, 2023.

Only the Landlord's representative, Andrew Haid attended the hearing.

As of 9:59 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. As explained below, the Landlord's application for termination of the tenancy is moot because the Tenant has already vacated the rental unit.
2. On June 27, 2022, the Landlord gave the Tenant an N8 notice of termination. The notice of termination alleged the Tenant paid the rent late from November 2021 to March, 2022 and May 2022.

3. The Tenant was in possession of the rental unit on the date the application was filed but vacated on October 31, 2022. As such, the request for eviction under this application is no longer necessary.
4. The Landlord is entitled to \$140.00 for bank fees the Landlord incurred as a result of 4 cheques given by or on behalf of the Tenant which were returned NSF.

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5. The Landlord also sought an order requiring the Tenant to pay daily compensation starting on the day after the termination date on the N8 notice of termination. However, this claim is not included on the application filed by the Landlord and as the Tenant was not present at the hearing, amending the application to include daily compensation would be unfair and prejudicial to the Tenant.
6. I do find it appropriate to order reimbursement of the application filing fee to the Landlord in the amount of \$186.00 as the Tenant vacated the rental unit after the Landlord filed this application and incurred the filing fee

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of October 31, 2023 the date the Tenant vacated the rental unit.
2. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The Tenant shall also pay the Landlord \$140.00 for NSF fees.
4. The total amount owing to the Landlord is \$326.00.
5. If the Tenant does not pay the Landlord the full amount owing on or before June 18, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 19, 2023 at 6.00% annually on the balance outstanding.

**June 7, 2023**  
**Date Issued**

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Camille Clyne  
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.