



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

Citation: 1992480 ONTARIO INC. v Linda Boscarino, 2023 ONLTB 41529

Date: 2023-06-06

File Number: LTB-L-080413-22

In the matter of: Main Floor, Unit 1, 39 Aspendale Drive Toronto
ON M1P 4J7

Between: 1992480 ONTARIO INC. Landlord

And

Linda Boscarino Tenant

1992480 ONTARIO INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Linda Boscarino (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. This application was heard by videoconference on May 25, 2023.

Only the Landlord's Agent Joseph Eze and the Landlord's Legal Representative Reena Lynn Bassar attended the hearing.

As of 3:30 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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990. Sean Shipley attended the hearing as an observer for the Tenant. I confirmed with Mr. Shipley he was not appearing on behalf of the Tenant.

Determinations:

Preliminary Issue

1. The Landlord sought to amend their application to reflect the proper address of the rental unit. I granted the request and the address reflects the proper address as shown on the N4 notice.

Arrears application

2. 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.
3. The Tenant was in possession of the rental unit on the date the application was filed.

File Number: LTB-L-080413-22

4. The Tenant vacated the rental unit on April 15, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent was \$1,700.00. It was due on the 15th day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to April 15, 2023 are \$11,455.89.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,700.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
10. Interest on the rent deposit in the amount of \$18.21 is owing to the Tenant for the period September 16, 2022 until April 15, 2023

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 15, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$9,923.68. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. 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 17, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 18, 2023 at 6.00% annually on the balance outstanding.

Date Issued

John Cashmore
Member, Landlord and Tenant Board

June 6, 2023

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.

File Number: LTB-L-080413-22

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$11,455.89
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,700.00
Less the amount of the interest on the last month's rent deposit	- \$18.21
Total amount owing to the Landlord	\$9,923.68

2023 ONLTB 41529 (CanLII)