



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

Citation: Christopher Chumko v Vincent (Vince) Dwayne Grayer-Renaud, 2023 ONLTB 40363
Date: 2023-05-30
File Number: LTB-L-073784-22

In the matter of: Lower unit, 146 CAMPBELL AVE WINDSOR
ON N9B2H2

Between: Christopher Chumko Landlord

And

Vincent (Vince) Dwayne Grayer-Renaud Tenant

Christopher Chumko (the 'Landlord') applied for an order to terminate the tenancy and evict Vincent (Vince) Dwayne Grayer-Renaud (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 10, 2023.

Only the Landlord attended the hearing.

As of 1:30 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. 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 Landlord submitted that he did not have any contact with the Tenant since March 17, 2023 when the Tenant advised he had been ill and had not been able to finish his move out of the rental unit.
4. The Landlord was advised by the upper floor tenant that the Tenant subject of this application was seen moving out the rental unit on or about March 25-26, 2023, a U-Haul truck was on site.

5. The Landlord provided notice of entry to inspect the rental unit on March 31, 2023, there was no response from the Tenant. Upon an inspection of the rental unit on April 1, 2023 the Landlord deemed that the unit had been abandoned by the Tenant and sought rent arrears to up to the date.

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6. Subsection 87(1) of the *Residential Tenancies Act, 2006* (the 'Act') states"

87 (1) A landlord may apply to the Board for an order for the payment of arrears of rent if,
(a) the tenant has not paid rent lawfully required under the tenancy agreement; and (b) the tenant is in possession of the rental unit.

7. The Tenant was in possession of the rental unit on December 2, 2022, the date that the Landlord filed this application. As the Landlord first discovered that the rental unit had not been occupied on April 1, 2023, and the Tenant has not returned for some of their belongings, has not returned the unit keys, or had any communication with the Landlord beyond March 17, 2023, the Board can order the termination of tenancy and order the Tenant to pay arrears of rent up to that date as per section 87(1)(b) of the Act.
8. The lawful rent is \$1,619.00. It was due on the 1st day of each month.
9. The Tenant has not made any payments since the application was filed.
10. The rent arrears owing to April 1, 2023 are \$10,515.23.
11. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
12. The Landlord collected a rent deposit of \$1,600.00 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.
13. Interest on the rent deposit, in the amount of \$32.24 is owing to the Tenant for the period from December 4, 2020 to April 1, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 1, 2023.
2. The Tenant shall pay to the Landlord \$9,068.99. 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 10, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 11, 2023 at 6.00% annually on the balance outstanding.

May 30, 2023

Date Issued

Alicia Johnson
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.

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**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To April 1, 2023	\$10,515.23
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	- \$1,600.00
Less the amount of the interest on the last month's rent deposit	- \$32.24
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	\$9,068.99

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