



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

**Citation:** Jasmin Gomez v Jordan Miller, 2023 ONLTB 38993

**Date:** 2023-05-29

**File Number:** LTB-L-067181-22

**In the matter of:** Upper, 34 WOODLAND DR WELLAND  
ON L3C7C9

**Between:** David Gomez and Jasmin Gomez Landlords

**And**

Jordan Miller and Michael Swords Tenants

David Gomez and Jasmin Gomez (the 'Landlords') applied for an order to terminate the tenancy and evict Jordan Miller and Michael Swords (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlord's representative Dawn Carr attended the hearing.

As of 1:30 p.m. the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on November 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,200.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to November 30, 2022 are \$4,400.00.

7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$2,200.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.

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9. Interest on the rent deposit, in the amount of \$15.48 is owing to the Tenants for the period from May 1, 2022 to November 30, 2022.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated as of November 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$2,370.52. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlords owe on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlords the full amount owing on or before June 9, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 10, 2023 at 6.00% annually on the balance outstanding.

**May 29, 2023**

**Date Issued**

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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 Move Out Date	\$4,400.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,200.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$15.48
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$2,370.52</b>