



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

Citation: Frank Barry v Star Stephenson, 2023 ONLTB 39103

Date: 2023-05-26

File Number: LTB-L-075900-22

2023 ONLTB 39103 (CanLII)

In the matter of: 4 VETERAN'S RD
OTONABEE ON K9J0K1

Between: Elizabeth Mitchell Landlords
Frank Barry

And

Jason Damant Tenants Star Stephenson

Elizabeth Mitchell and Frank Barry (the 'Landlords') applied for an order to terminate the tenancy and evict Jason Damant and Star Stephenson (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 Landlords' Legal Representative, Carrie Aylwin, attended the hearing.

As of 10:10 a.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 Landlords' evidence.

Determinations:

1. The Landlords 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 February 25, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,400.00. It was due on the 15th day of each month.

5. The Tenants has not made any payments since the application was filed.
6. The rent arrears owing to February 25, 2023 are \$7,017.49.

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7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of February 25, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$7,203.49. 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. 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 6, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 7, 2023 at 6.00% annually on the balance outstanding.

May 26, 2023

Date Issued

Khalid Akram

Member, Landlords and Tenants 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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$7,017.49
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlords owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlords	\$7,203.49