



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

Citation: Zavalkovsky v Bellisle, 2023 ONLTB 38956

Date: 2023-05-25

File Number: LTB-L-073797-22

In the matter of: 47 CHERRY SANDS CRES
WASAGA BEACH ON L9Z1P3

Between: Edward Zavalkovsky and Svetlana Zavalkovsky Landlord

and

Tyler Mathew Bellisle Tenant

Edward Zavalkovsky and Svetlana Zavalkovsky (jointly referred to as the 'Landlord') applied for an order to terminate the tenancy and evict Tyler Mathew Bellisle (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 11, 2023.

The Landlord's Legal Representative, Katja Awender, attended the hearing

As of 11:34 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB.

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. Based on the uncontested evidence of the Landlord's Representative the Tenant texted the Landlord he had moved out, I find the Tenant vacated the rental unit on April 1, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit; however, the Landlord waived any rent owed for the date of April 1, 2023.
4. The lawful rent is \$2,800.00. It was due on the 1st day of each month.

5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to April 1, 2023, after the Landlord's waiver of per diem rent for April 1, 2023, are \$16,800.00.

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7. The Landlord 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 Landlord and the Tenant is terminated as of April 1, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$16,986.00. 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. 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 5, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 6, 2023 at 6.00% annually on the balance outstanding.

May 25, 2023
Date Issued

Rebecca Case
Vice Chair, 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	\$16,892.05
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	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the per diem rent for the date of April 1, 2023 which the Landlord waived	- \$92.05
Total amount owing to the Landlord	\$16,986.00