



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

**Citation:** Skyline Living v Tracey Chaves, 2023 ONLTB 39145

**Date:** 2023-05-24

**File Number:** LTB-L-072725-22

**In the matter of:** 404, 985 MAXWELL ST SARNIA  
ON N7S4G2

**Between:** Skyline Living Landlord

**And**

Dave Chaves Tenants  
Tracey Chaves

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Dave Chaves and Tracey Chaves (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 11, 2023. Only the Landlord's Agent, K. Cybulski, attended the hearing. As of 2:45 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

**Determinations:**

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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 December 6, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,913.27.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to December 6, 2022 are \$2,290.67.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,913.27 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.

9. Interest on the rent deposit, in the amount of \$9.18 is owing to the Tenants for the period from July 14, 2022 to December 6, 2022.

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**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of December 6, 2022, the date the Tenant moved out of the rental unit
2. The Tenants shall pay to the Landlord \$554.22. 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 Landlord owes 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 Landlord the full amount owing on or before June 24, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 25, 2023 at 6.00% annually on the balance outstanding.

**May 24, 2023**

**Date Issued**

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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.

Schedule 1  
SUMMARY OF CALCULATIONS

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

|   |                 |
|---|-----------------|
| Rent Owing To Move Out Date   | \$2,290.67      |
| Application Filing Fee  | \$186.00        |
| <b>Less</b> the amount of the last month's rent deposit                 | - \$1,913.27    |
| <b>Less</b> the amount of the interest on the last month's rent deposit | - \$9.18        |
| <b>Total amount owing to the Landlord</b>                               | <b>\$554.22</b> |

2023 ONL TB 39145 (CanLII)