



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

Citation: CENCOURSE PROJECT INC v John Desbien, 2023 ONLTB 38646

Date: 2023-05-24

File Number: LTB-L-074576-22

In the matter of: 407, 30 TUSCARORA ST
WINDSOR ON N9A6Y6

Between: CENCOURSE PROJECT INC Landlord

And

John Desbien Tenant

CENCOURSE PROJECT INC (the 'Landlord') applied for an order to terminate the tenancy and evict John Desbien (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, C. Granger, attended the hearing. As of 10:32 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Preliminary Issues:

The rental unit was gutted by fire on March 5, 2023. The Tenant has not returned to the residential complex since that date and has not paid the monthly rent. The tenancy will terminate on March 5, 2023 as the unit is deemed abandoned.

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 Tenant vacated the rental unit on March 5, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$839.00.
5. The Tenant has paid \$417.00 to the Landlord since the application was filed.
6. The rent arrears owing to March 5, 2023 are \$2,798.90.
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 March 5, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$2,984.90. 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 24, 2023, the Tenant 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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$3,215.90
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$417.00
Total amount owing to the Landlord	\$2,984.90

2023 ONLTB 38646 (CanLII)