



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

Citation: Bartels Holdings Corporation v Delmore Nick, 2023 ONLTB 38338

Date: 2023-05-19

File Number: LTB-L-061149-22

In the matter of: 1501 Main Street West
Hamilton, ON L8S 1E2

Between: Bartels Holdings Corporation Landlord

And

Delmore Nick Tenant

Bartels Holdings Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Delmore Nick (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 26, 2023.

Only the Landlord's agent Amanda Nesbitt attended the hearing.

As of 9:36 am, the Tenant was 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 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 October 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,600.00. It was due on the 1st day of each month.
5. The Tenant has paid \$2,715.39 to the Landlord since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$(740.00).
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:

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9. The tenancy between the Landlord and the Tenant is terminated as of October 31, 2022, the date the Tenant moved out of the rental unit
10. The Landlord shall pay to the Tenant \$554.00. The Tenant owes the Landlord rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The amount of rent deposit and interest the Landlord owes on the rent deposit exceeds the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
11. If the Landlord does not pay the Tenant the full amount owing on or before May 30, 2023, the Landlord will start to owe interest. This will be simple interest calculated from May 31, 2023 at 6.00% annually on the balance outstanding.

May 19, 2023

Date Issued

Jagger Benham

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	\$1,975.39
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,715.39
Total amount owing to the Landlord	\$(554.00)

2023 ONLTB 38338 (CanLII)