



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

**Citation:** Matthew Clarke v Zhane Abegail guevarra, 2023 ONLTB 34393

**Date:** 2023-05-18

**File Number:** LTB-L-059154-22

**In the matter of:** 2104, 225 WEBB DR  
MISSISSAUGA ON L5B4P2

**Between:** Matthew Clarke Landlord

**And**

Nelia Garcia dela Fuente and Zhane Abegail Guevarra Tenant

Matthew Clarke (the 'Landlord') applied for an order to terminate the tenancy and evict Nelia Garcia Dela Fuente and Zhane Abegail Guevarra (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 25, 2023.

Only the Landlord attended the hearing.

As of 9:38AM, 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 April 16, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,000.00. 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 16, 2022 are \$5,500.00
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$2,000.00 from the Tenant 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 \$13.87 is owing to the Tenant for the period from September 18, 2021 to April 16, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of April 16, 2022, the date the Tenant moved out of the rental unit
2. The Landlord shall pay to the Tenant **\$3,472.13**. 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.
3. If the Landlord does not pay the Tenant the full amount owing on or before May 29, 2023, the Landlord will start to owe interest. This will be simple interest calculated from May 30, 2023 at 6.00% annually on the balance outstanding.

**May 22, 2023**

**Date Issued**

\_\_\_\_\_  
Percy Laryea

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.

\*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 Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$5,500.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,000.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$13.87
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$3,472.13</b>