



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Killam Apartment REIT v Shawn Dooley, 2023 ONLTB 37769

**Date:** 2023-05-17

**File Number:** LTB-L-072316-22

**In the matter of:** 807, 1090 KRISTIN WAY  
OTTAWA ON K1K4B6

**Between:** Killam Apartment REIT Landlord

**And**

Shawn Dooley Tenant

Killam Apartment REIT (the 'Landlord') applied for an order to terminate the tenancy and evict Shawn Dooley (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 8, 2023.

Only the Landlord's Legal Representative Donna Dames attended the hearing.

As of 1:36 p.m., 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$933.88. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$30.70. This amount is calculated as follows: \$933.88 x 12, divided by 365 days.
5. The Tenant has paid \$7,261.00 to the Landlord since the application was filed.
6. The rent arrears owing to May 31, 2023 are \$35.72.
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 \$850.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$76.33 is owing to the Tenant for the period from July 24, 2017 to May 8, 2023.
10. The Landlord's Legal Representative stated that the Tenant normally receives benefits from social agencies including ODSP and from the City of Ottawa and the payments had not come in, resulting in rent arrears. Now that the payments have started to come in and that the Tenant is in arrears for a nominal amount, the Landlord is not seeking eviction but rather only rent arrears and the filing fee. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$221.72. This amount includes rent arrears owing up to the date of the hearing as well as the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before May 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 29, 2023 at 6.00% annually on the balance outstanding.

**May 17, 2023**  
**Date Issued**

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Heather Chapple  
Member, Landlord and Tenant Board

15 Grosvenor Street, 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.