



**Order under Section 88.2
Residential Tenancies Act, 2006**

Citation: Adele Wilson v Jason Murray, 2023 ONLTB 33802

Date: 2023-05-12

File Number: LTB-L-026510-22

In the matter of: 29, 55 Lake road
Grand Bend ON N0M1T0

Between: Adele Wilson Landlord

And

Jason Murray Tenant
Shanleigh Murray

Adele Wilson (the 'Landlord') applied for an order requiring Jason Murray and Shanleigh Murray (the 'Tenants') to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs that they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on April 19, 2023. The Landlord attended the hearing; however, as of 2:08 pm the Tenants were 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 Tenants were in possession of the rental unit on May 11, 2022, the date the application was filed.
2. The Tenants vacated the rental unit on September 1, 2022.
3. The Landlord testified that the Tenants were required to pay the water utility costs under the terms of the tenancy agreement. The Landlord submitted an email she received from Tenant Jason Murray on June 26, 2022, providing notice that the Tenants plan to vacate the unit on September 1, 2022, and also acknowledging that the Tenants owe the Landlord payment for a water bill.
4. The Tenants failed to pay a water bill from the Municipality of Lambton Shores, dated November 22, 2021, in the amount of \$1,279.31 covering the period of August 1, 2021 to October 31, 2021. The Landlord submitted a copy of this bill.

5. The Tenants also failed to pay a water bill from the Municipality of Lambton Shores, dated May 20, 2022, in the amount of \$951.69 covering the period of February 1, 2022 to April 30, 2022. The Landlord submitted a copy of this bill.

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6. On the basis of the Landlord's uncontested evidence, I find that the Landlord has incurred reasonable out-of-pocket expenses of \$2,231.00 as a result of the Tenants' failure to pay water costs.
7. The Landlord also incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$2,231.00, which represents the reasonable out-of-pocket expenses the Landlord has incurred as a result of the unpaid utility costs.
2. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
3. If the Tenants do not pay the Landlord the full amount owing of \$2,417.00 on or before May 31, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 1, 2023 at 6.00% annually on the balance outstanding.

May 12, 2023

Date Issued

Frank Ebner

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.

