



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

**Citation:** Starlight Canadian Residential Growth Fund III v Nichoda Mcleod, 2023 ONLTB 35702

**Date:** 2023-05-10

**File Number:** LTB-L-067716-22

**In the matter of:** 0134, 640 FANSHAWE PARK RD E LONDON  
ON N5X2B9

**Between:** Starlight Canadian Residential Growth Fund Landlord  
III

**And**

Nichoda McLeod Tenant

Starlight Canadian Residential Growth Fund III (the 'Landlord') applied for an order to terminate the tenancy and evict Nichoda McLeod (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 27, 2023.

Only the Landlord's Legal Representative, Jeff Shabes, attended the hearing. As of 1:52 p.m., the Tenant was not present or represented at the hearing, although properly served with notice of this hearing by the LTB.

**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 November 21, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,444.00. It was due on the 1st day of each month.
5. The Tenant has paid \$1,444.00 to the Landlord since the application was filed.
6. The rent arrears owing to November 21, 2023 are \$1,433.62.
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 \$1,444.00 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.

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**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of November 21, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$175.62 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. 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 May 21, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 22, 2023 at 6.00% annually on the balance outstanding.

**May 10, 2023**

**Date Issued**

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Kathleen Wells

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.

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**Schedule 1 SUMMARY OF CALCULATIONS**

**A. Amount the Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$2,877.62
Application Filing Fee	\$186.00

<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$1,444.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,444.00
<b>Total amount owing to the Landlord</b>	<b>\$175.62</b>