



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

Citation: Linda Urbshas Marie v Gary Nagy, 2023 ONLTB 34444

Date: 2023-05-05

File Number: LTB-L-063639-22

In the matter of: RR#3, 9762 GREEN RD
CAISTOR CENTRE ON L0R1E0

Between: Linda Urbshas Marie Landlord

And

Gary Nagy Tenant

Linda Urbshas Marie (the 'Landlord') applied for an order to terminate the tenancy and evict Gary Nagy (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 24, 2023.

Only the Landlord and the Landlord's Representative, Lisa Barder attended the hearing.

The Tenant was not present or represented at the hearing.

Preliminary Issue:

There is a landlord and tenant relationship and they have oral agreement requiring the Tenant to pay rent for the right to occupy he rental unit. The Landlord provided e-transfer receipts for payments the Tenant made for rent and an email received by the Tenant requesting a rent receipt for 2022.

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 landlord filed their application on October 30, 2022 and based on the uncontested testimony from the Landlord the Tenant was in possession of the rental unit on the date the application was filed.

3. The Tenant vacated the rental unit one day after the application was filed on October 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$800.00. 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 October 31, 2022 are \$1,600.00.

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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:

1. 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
2. The Tenant shall pay to the Landlord \$1,786.00. 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. 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 16, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 17, 2023 at 6.00% annually on the balance outstanding.

May 5, 2023

Date Issued

Sandra Macchione

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	\$1,600.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$1,786.00