



Order under Section 69 and Subsection 87(1) Residential Tenancies Act, 2006

Citation: Dirk Breugem v Andrew Oliver, 2023 ONLTB 34930

Date: 2023-05-04

File Number: LTB-L-058137-22

In the matter of: 5, 274 SCHOLFIELD AVE
WELLAND ON L3B1N8

Between: Dirk Breugem Landlord

And

Andrew Oliver Tenants
Jennifer Graves

Dirk Breugem (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Oliver and Jennifer Graves (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlord attended the hearing.

As of 1:42pm, 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.

The application is amended to include UNIT 5 in the rental address.

Determinations:

1. The N4 Notice of Termination is defective on the basis that it did not correctly identify the rental periods in the notice and because the rent charged and the rent paid and the amount outstanding are not correctly filled out.
2. The notice does not comply with subsection 43(2) of the *Residential Tenancies Act, 2006* (the 'Act') with respect to providing reasons and details sufficiently in the notice.
3. On this basis, the Landlord was provided the opportunity to withdraw their application or to request an order for arrears of rent only and not termination of the tenancy.
4. At the hearing, the Landlord requested to amend their application for arrears of rent only on the basis that the N4 Notice is defective. I see no reason to deny the Landlords request.
5. The lawful rent is \$1,200.00. It is due on the 1st day of each month.
6. The Tenants have not made any payments since the application was filed.



7. Rent arrears are owing for the period from June 1, 2022 to April 30, 2023 in the amount of \$13,666.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The application is amended to include that the Landlord collected a last month's rent deposit of \$1,000.00 on January 20, 2022 when they purchased the property.

It is ordered that:

1. The Tenants shall pay to the Landlord \$13,852.00. This amount includes rent arrears owing up to April 30, 2023 and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before May 15, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 16, 2023 at 6.00% annually on the balance outstanding.

May 4, 2023
Date Issued

Terri van Huisstede
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.