



**Order under Section 87(1)
Residential Tenancies Act, 2006**

Citation: Lyons v Turrell, 2023 ONLTB 34041

Date: 2023-05-04

File Number: LTB-L-060828-22

In the matter of: 403, 106 Pine Street
Kingston Ontario K7K1W7

Between: Joanne Lyons and Zion United Church Foundation Inc Landlord

And

Phyllis Turrell Tenant

Joanne Lyons and Zion United Church Foundation Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Phyllis Turrell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 29, 2023. Only the Landlord's agent, J. Lyons and their legal representative, J. Valkenier attended the hearing.

As of 10:00am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was a request to adjourn submitted by the Tenant. However, she did not obtain the Landlord's consent, the Board did not grant her request prior to the hearing being held, nor did the Tenant attend the hearing to support her request. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As of the date of the hearing, the Tenant was in possession of the rental unit
2. The Tenant did not pay the rent that they were required to pay from the period of June 1, 2021 to March 31, 2023.
3. The lawful rent is \$712.00 due on the first day of each month.
4. The Tenant has paid \$2,848.00 to the Landlord since the application was filed.
5. The rent arrears and costs owing to March 31, 2023 are \$5,882.00.

It is ordered that:

1. The Tenant shall pay to the Landlord \$5,882.00. This amount includes rent arrears owing up to the date the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.

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2. If the Tenant does not pay the Landlord the full amount owing on or before May 15, 2023, the Tenant 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

_____ Curtis Begg

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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay.

Rent Owing To Move Out Date	\$8,529.00
Application Filing Fee	\$201.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,848.00
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	\$5,882.00