



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Galaxy Value Add Ontario Properties LP v Lena Carter, 2023 ONLTB 34488

**Date:** 2023-05-02

**File Number:** LTB-L-057883-22

**In the matter of:** 0422, 540 MORNINGTON AVE LONDON  
ON N5Y3E6

**Between:** Galaxy Value Add Ontario Properties LP Landlord

**And**

Lena Carter  
Vaughn Carter

Tenants

Galaxy Value Add Ontario Properties LP (the 'Landlord') applied for an order to terminate the tenancy and evict Lena Carter and Vaughn Carter (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's legal representative, Jeff Shabes, attended the hearing.

As of 10:56am, 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 Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on October 31, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$802.28. It was due on the 1st day of each month.

5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$1,604.56.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$763.87 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.
9. Interest on the rent deposit, in the amount of \$9.99 is owing to the Tenant for the period from January 1, 2021 to October 31, 2022.

**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 \$1,016.70. 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 13, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 14, 2023 at 6.00% annually on the balance outstanding.

**May 2, 2023**

**Date Issued**

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 Terri van Huisstede  
 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 as the tenancy is terminated**

Rent Owing To Move Out Date	\$1,604.56
Application Filing Fee	\$186.00
NSF Charges	\$0.00

<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$763.87
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$9.99
<b>Total amount owing to the Landlord</b>	<b>\$1,016.70</b>

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