



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

**Citation:** Donald Evink v John Hannah, 2023 ONLTB 34180

**Date:** 2023-05-01

**File Number:** LTB-L-056042-22

**In the matter of:** 55 YORK ST  
ST CATHARINES ON L2R6C4

**Between:** Donald Evink Landlord

**And**

Crystal Davidson Tenants John Hannah

Donald Evink (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Davidson and John Hannah (the 'Tenants') because the Tenants did not pay the rent that the Tenant owe.

This application was heard by videoconference on April 13, 2023.

Only the Landlord's Legal Representative, Judith Callender, attended the hearing.

As of 9:55 a.m., 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 Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
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 January 4, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,024.00. 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 January 4, 2023 are \$12,410.16.
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 \$2,000.00 from the Tenants 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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9. Interest on the rent deposit, in the amount of \$12.24 is owing to the Tenants for the period from January 2, 2022 to January 4, 2023.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of January 4, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$10,583.92. This amount includes rent arrears owing up to the date the Tenants 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 Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before May 12, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 13, 2023 at 6.00% annually on the balance outstanding.

**May 1, 2023**

**Date Issued**

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Khalid Akram

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.

\*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

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**Schedule 1**

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## SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$12,410.16
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	- \$2,000.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$12.24
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$10,583.92</b>