



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

**Citation:** 2372198 Ontario Inc v Yorke, 2023 ONLTB 32765

**Date:** 2023-04-27

**File Number:** LTB-L-063398-22

**In the matter of:** 203, 6479 Montrose Rd  
Niagara Falls Ontario L2H1M1

**Between:** 2372198 Ontario Inc Landlord

**And**

Shelley Yorke Tenant

2372198 Ontario Inc (the 'Landlord') applied for an order requiring Shelley Yorke (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on March 28, 2023.

Only the Landlord's Representative J. Ricci attended the hearing.

As of 2:17 p.m. the Tenant was 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 Tenant did not pay the total rent they were required to pay for the period from July 1, 2022 to August 31, 2022.
2. The lawful rent is \$1,921.78. It was due on the 1st day of each month.
3. The Tenant has not made any payments since the application was filed.
4. The Tenant was in possession of the rental unit when this application was filed on August 11, 2022, but vacated on August 31, 2022.
5. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy.
6. The Landlord requested compensation until September 30, 2022. The Landlord was aware of the Tenant vacating the residence on August 31, 2022 as a result of an N9 application received by the Landlord on July 4, 2022. Because the Tenant did not give proper notice on their N9 application, and because I am satisfied that the Landlord made best efforts to re-rent the residence, I am granting the request.
7. The rent arrears and daily compensation owing to September 30, 2022 are \$3,844.12.



8. The Landlord collected a rent deposit of \$1,899 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 has ended.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$2,146.12. This amount includes rent arrears owing up to August 31, 2022 and the cost of the application minus the rent deposit and interest owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before May 8, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 9, 2023 at 6.00% annually on the balance outstanding.

**April 27, 2023**  
**Date Issued**

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William Greenberg  
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.