



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

Citation: Escobar v Mccann, 2023 ONLTB 32790

Date: 2023-04-26

File Number: LTB-L-046965-22

In the matter of: BASEMENT UNIT, 94 MINTWOOD DR
NORTH YORK ON M2M 3A8

Between: Emma Yolanda Moya Landlords
Gustavo Escobar

And

Bradley Mccann Tenant

Emma Yolanda Moya and Gustavo Escobar (the 'Landlords') applied for an order requiring Bradley Mccann (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on March 14, 2023.

Only the Landlord's agent Emma Escobar Moya attended the hearing.

As of 2:23 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 vacated the rental unit on October 1, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Landlord amended their application to an L9 application solely for arrears of rent and the filing fee. The Landlords were seeking the arrears outstanding to October 1, 2022.
3. The Tenant did not pay the total rent they were required to pay for the period from April 1, 2022 to October 1, 2022.
4. The lawful rent is \$900.00. It is due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The tenancy ended on October 1, 2022 as a result of the Tenant moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.
7. The rent arrears and daily compensation owing to October 1, 2022 are \$2,800.00



8. There is a rent deposit of \$900.00 being held by the Landlords. Interest owing on the rent deposit is \$31.50.
9. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlords \$2,054.50. This amount includes rent arrears owing up to October 1, 2022 and the cost of the application, less the rent deposit and interest owing.
2. If the Tenant does not pay the Landlords the full amount owing on or before May 7, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 8, 2023 at 6.00% annually on the balance outstanding.

April 26, 2023
Date Issued

Greg Witt
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.