



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

**Citation:** 9219161 Canada Inc. v Doug Beacock, 2023 ONLTB 32836

**Date:** 2023-04-24

**File Number:** LTB-L-053402-22

**In the matter of:** 5-410 Chapel Street  
Ottawa, ON K1N 7Z8

**Between:** 9219161 Canada Inc. Landlord

**And**

Doug Beacock Tenant

9219161 Canada Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Doug Beacock (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 11, 2023.

Only the Landlord's Legal Representative Al Harb attended the hearing.

As of 1:27 pm, 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 Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was in possession of the rental unit on the date the application was filed. The Landlord's Legal Representative submitted that the Tenant went to the hospital in October and passed away in December. The Landlord's Legal Representative was not sure when the Tenant passed away however, in accordance with s. 91(1) of the Act when a tenant dies, the tenancy shall be deemed terminated 30 days after the death.
3. In consideration of the fact that the Landlord's Legal Representative could not provide me with an exact date, the tenancy will be ended as of December 31, 2022.
4. Rent arrears are calculated up to the date the tenancy is terminated

5. The lawful rent is \$709.00. It was due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to December 31, 2022 are \$3,545.00.

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8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

**It is ordered that:**

10. The tenancy between the Landlord and the Tenant is terminated as of December 31, 2022, approximately 30 days after the Tenant passed away.
11. The Tenant shall pay to the Landlord \$3,731.00. 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. See Schedule 1 for the calculation of the amount owing.
12. If the Tenant does not pay the Landlord the full amount owing on or before May 5, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 6, 2023 at 6.00% annually on the balance outstanding.

**April 24, 2023**

**Date Issued**

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**Jagger Benham**

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.

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**Schedule 1**

## SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$3,545.00
Application Filing Fee	\$186.00
<b>Total amount owing to the Landlord</b>	<b>\$3,731.00</b>