



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

Citation: Maximum Apartments INC. v Jack Plante, 2023 ONLTB 32708

Date: 2023-04-21

File Number: LTB-L-012667-23

In the matter of: 602, 375 Scott Street
St. Catharines ON L2M3W3

Between: Maximum Apartments INC. Landlord

And

Jack Plante and Robin Plante Tenants

Maximum Apartments INC. (the 'Landlord') applied for an order requiring Jack Plante and Robin Plante (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on April 12, 2023.

Only the Landlord's agent, Lauren Brace attended the hearing.

As of 2:01pm, 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 Tenants did not pay the total rent they were required to pay for the period from January 1, 2023 to April 30, 2023.
2. The lawful rent is \$1,829.00. It is due on the 1st day of each month.
3. The Tenants have not made any payments since the application was filed.
4. The Tenants are no longer in possession of the rental unit. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenants' obligation to pay rent ends on April 30, 2023. The Landlord's agent stated that the Tenants gave a notice on December 30, 2022 to end the tenancy on February 28, 2023 which was not accepted by the Landlord because it was not at the end of the lease term. The Tenants handed the keys on January 30, 2023, the day the Tenants vacated.
5. The Landlord's agent stated the Landlord was not able to re-rent the unit and is still not rented although the Landlord made attempts and prioritized advertising the rental unit.
6. The rent arrears and daily compensation owing to April 30, 2023 are \$7,316.00.



7. 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 Tenants shall pay to the Landlord \$7,517.00. This amount includes rent arrears owing up to and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before May 2, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 3, 2023 at 6.00% annually on the balance outstanding.

April 21, 2023
Date Issued

Nicole Huneault
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.