



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

**Citation:** MORGAN v JONES, 2023 ONLTB 31505

**Date:** 2023-04-19

**File Number:** LTB-L-032335-22

**In the matter of:** 2ND FLOOR, 1290 WHARF STREET  
PICKERING ONTARIO L1W1A3

**Between:** RALPH B MORGAN

Landlord

**And**

TRACIE COLE and TREVOR JONES

Tenants

RALPH B MORGAN (the 'Landlord') applied for an order to terminate the tenancy and evict TRACIE COLE and TREVOR JONES (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes (L1); and because the Tenants failed to pay utility costs (L2).

This application was heard by videoconference on April 4, 2023. Only The Landlord, represented by Ryan Stubbs, attended the hearing.

As of 10:05am, 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 valid Notice to End Tenancy Early for Nonpayment 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on November 1, 2021. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,200.00. It was due on the 15th day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to November 1, 2021 are \$9,050.00.

7. The Landlord also incurred costs of \$4,131.50 in unpaid utility costs.
8. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

**File Number: LTB-L-032335-22**

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of November 1, 2021, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$13,382.50. 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. See Schedule 1 for the calculation of the amount owing for rental arrears.
3. If the Tenants do not pay the Landlord the full amount owing on or before April 30, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 1, 2023 at 6.00% annually on the balance outstanding.

**April 19, 2023**

**Date Issued**

\_\_\_\_\_  
Greg Joy

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.

**File Number: LTB-L-032335-22**

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$9,050.00
Application Filing Fee	\$201.00
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	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<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>\$9,251.00</b>