



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

**Citation:** Robillard v Alves, 2023 ONLTB 31107

**Date:** 2023-04-18

**File Number:** LTB-L-024564-22

**In the matter of:** 79 CAMBRIDGE PL  
SAULT STE. MARIE ON P6A6E8

**Between:** Jenna Robillard and Serge Robillard Landlord

**And**

Nelson Alves Tenant

Jenna Robillard and Serge Robillard (the 'Landlord') applied for an order to terminate the tenancy and evict Nelson Alves (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (L1); and because the Tenant has been persistently late paying rent (L2).

This application was heard by videoconference on April 4, 2023. Only the Landlord's representative Angie Gravelle attended the hearing.

As of 9:50am, 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.
3. The Tenant vacated the rental unit on June 3, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The Tenant has not made any payments since the application was filed.
5. The rent arrears owing to June 3, 2022 are \$2,570.81.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

- 7. The Landlord collected a rent deposit of \$1,200.00 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 terminated.
- 8. Interest on the rent deposit, in the amount of \$80.49 is owing to the Tenant for the period from September 1, 2017 to June 3, 2022.

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**It is ordered that:**

- 1. The tenancy between the Landlord and the Tenant is terminated as of June 3, 2022, the date the Tenant moved out of the rental unit
- 2. The Tenant shall pay to the Landlord \$1,476.32. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
- 3. If the Tenant does not pay the Landlord the full amount owing on or before April 29, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 30, 2023 at 6.00% annually on the balance outstanding.

**April 18, 2023**

**Date Issued**

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 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.

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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	\$2,570.81
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Application Filing Fee	\$186.00
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	- \$1,200.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$80.49
<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>\$1,476.32</b>