



**Order under Section 87(1)  
Residential Tenancies Act, 2006**

**Citation:** SKYLINE LIVING v MARTIN, 2023 ONLTB 31017

**Date:** 2023-04-17

**File Number:** LTB-L-062001-22

**In the matter of:** 611, 480 CANATARA COURT  
KINGSTON ON K7M6G5

**Between:** SKYLINE LIVING Landlord

**And**

JONATHAN MARTIN Tenant

SKYLINE LIVING (the 'Landlord') applied for an order requiring JONATHAN MARTIN (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on March 28, 2023. The Landlord's representative, Zachary Noyes, attended the hearing. As of 4:49 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 Tenant vacated the rental unit on August 31, 2022. The Tenant was in possession of the rental unit on the date the application was filed on August 4, 2022.
2. The Tenant did not pay the total rent they were required to pay for the period from May 1, 2022 to August 31, 2022.
3. The lawful rent was \$1,494.90. It was due on the 1st day of each month.
4. The Tenant did not make any payments to the Landlord after the application was filed.
5. On July 12, 2022 the Landlord and the Tenant signed an N11 Agreement to End the Tenancy with a Tenant vacate date of August 31, 2022. The Tenant vacated the unit on August 31, 2022, as per the N11, therefore the Tenant's obligation to pay rent also ended on August 31, 2022.
6. The rent arrears owing to August 31, 2022 are \$4,469.60.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord also incurred NSF cheque costs of \$25.00 on February 24, 2022, and \$20.00 on March 1, 2022, and is entitled to reimbursement of those costs.

9. The Landlord collected a rent deposit of \$1,494.90 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 is terminated.
10. Interest on the rent deposit, in the amount of \$18.19 is owing to the Tenant for the period August 27, 2021 to August 31, 2022.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$3,202.51. This amount includes rent arrears owing up to August 31, 2022, and the cost of the application and NSF fees, minus the rent deposit and interest owing on the rent deposit.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 29, 2023 at 6.00% annually on the balance outstanding.

**April 17, 2023**  
**Date Issued**

\_\_\_\_\_  
Frank Ebner  
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.