



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

**Citation:** SKYLINE LIVING v COTTERHILL, 2023 ONLTB 30056

**Date:** 2023-04-17

**File Number:** LTB-L-008841-23

**In the matter of:** 1102, 294 TALBOT STREET ST.  
THOMAS ON N5P4E3

**Between:** SKYLINE LIVING Landlord

**And**

DOUGLAS COTTERILL Tenant

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

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on March 29, 2023.

Only the Landlord's Agent, Kyle McCann attended the hearing.

As of 10:56 a.m., 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 October 31, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant did not pay the total rent they were required to pay for the period from August 1, 2022 to October 31, 2022.
3. The lawful rent is \$1,254.82. It is due on the 1st day of each month.
4. The Tenant has not made any payments since the application was filed.

5. The tenancy ended on October 31, 2022 as a result of the Tenant moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.
6. The rent arrears and daily compensation owing to October 31, 2022 are \$3,739.37

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7. The Landlord collected a rent deposit of \$1,241.20 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.
8. Interest on the rent deposit, in the amount of \$11.14 is owing to the Tenant for the period from February 1, 2022 to October 31, 2022.
9. The Landlord is entitled to \$60.00 to reimburse the Landlord for administration charges and \$0.00 for bank fees the Landlord incurred as a result of 3 cheques given by or on behalf of the Tenant which were returned NSF.
10. 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 Tenant shall pay to the Landlord \$2,748.03. This amount includes rent arrears owing up to October 31, 2022 and the cost of the application and unpaid NSF charges minus the {rent abatement or rebate/rent deposit and interest owing}.
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 5.00% annually on the balance outstanding.

**April 17, 2023**

**Date Issued**

\_\_\_\_\_  
Camille Clyne

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.