



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

Citation: Montcrest Properties v Penna, 2023 ONLTB 31566

Date: 2023-04-14

File Number: LTB-L-002049-23

In the matter of: 1503, 655 BROADVIEW AVE TORONTO
ON M4K2P3

Between: Montcrest Properties Landlord

And

Morgan Penna Tenant

Montcrest Properties (the 'Landlord') applied for an order requiring Morgan Penna (the 'Tenant') to pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

Only the Landlord's Representative B. Rizzo attended the hearing.

As of 9:41 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 did not pay the total rent they were required to pay for the period from August 1, 2022 to September 30, 2022.
2. The lawful rent is \$1,415.78. It is due on the 1st day of each month.
3. The Tenant has not made any payments since the application was filed.
4. The tenancy ended on September 30, 2020 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.
5. The rent arrears and daily compensation owing to September 30, 2022 are \$2,831.56
6. The Landlord collected a rent deposit of \$1,399 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.

7. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges incurred as a result of 1 cheque given by or on behalf of the Tenant which were returned NSF.

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Commission de la location immobilière

8. 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 \$3,052.56. This amount includes rent arrears owing up to September 30, 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 25, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 26, 2023 at 6.00% annually on the balance outstanding.

April 14, 2023

Date Issued

William Greenberg

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.

