



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

**Citation:** Axent v Johnson, 2023 ONLTB 30397

**Date:** 2023-04-12

**File Number:** LTB-L-046878-22

**In the matter of:** A, 271 WILSON ST  
THUNDER BAY ON P7B1N1

**Between:** Donald Axent Landlord

**And**

Alexa Ann Johnson and Sherry Ann Bulmer Tenant

Donald Axent (the 'Landlord') applied for an order requiring Alexa Ann Johnson and Sherry Ann Bulmer (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on March 16, 2023.

Only the Landlord's representative, Marie Baupre attended the hearing.

As of 9:50 a.m., the Tenants 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 February 17, 2023. 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 October 1, 2021 to February 17, 2023.
3. The lawful rent is \$1,500.00. It is due on the first day of each month.
4. The Tenant has not made any payments since the application was filed.
5. The tenancy ended on February 17, 2023 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 February 17, 2023 are \$24,838.36

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7. The Landlord collected a rent deposit of \$1,500.00 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 is terminated.
8. Interest on the rent deposit, in the amount of \$15.04 is owing to the Tenant for the period from March 1, 2021 to February 17, 2023.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$23,509.32. This amount includes rent arrears owing up to February 17, 2023 and the cost of the application minus the rent deposit and interest owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 23, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 24, 2023 at 6.00% annually on the balance outstanding.

**April 12, 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

