



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

Citation: Titus v Ferguson, 2023 ONLTB 30372

Date: 2023-04-11

File Number: LTB-L-004554-23

In the matter of: 283 Perry Street
Peterborough Ontario K9J2J5

Between: Gary Titus Landlord

And

April Ferguson and Jason Gallimore Tenants

Gary Titus (the 'Landlord') applied for an order to terminate the tenancy and evict April Ferguson and Jason Gallimore (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 29, 2023 at 9:00 a.m.

Only the Landlord attended the hearing.

As of 10:23 a.m., the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on September 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,700.00. It was due on the 1st day of each month.
5. The Tenants have paid \$13,566.40 to the Landlord since the application was filed.
6. The rent arrears owing to September 30, 2022 are \$33.60

7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

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1. The tenancy between the Landlord and the Tenants is terminated as of September 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$234.60. The Tenants owe the Landlord rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application.
3. If the Tenants do not pay the Landlord the full amount owing on or before April 22, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 23, 2023 at 6.00% annually on the balance outstanding.

April 11, 2023

Date Issued

Peter Pavlovic

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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$13,600.00
Application Filing Fee	\$201.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$13,566.40

Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlord	\$234.60