



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

**Citation:** 28 Elizabeth Holdings Inc. v McIntee, 2023 ONLTB 30039

**Date:** 2023-04-05

**File Number:** LTB-L-001580-23

**In the matter of:** 201, 28 Elizabeth Street N  
Mississauga ON L5G2Z6

**Between:** 28 Elizabeth Holdings Inc. Landlord

**And**

Leslie Ann McIntee, Matthew Jordan Lafave  
and Stephen John Swinscoe Tenants

28 Elizabeth Holdings Inc. (the 'Landlord') applied for an order requiring Leslie Ann McIntee, Matthew Jordan Lafave and Stephen John Swinscoe (the 'Tenants') to pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques.

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

Only the Landlord attended the hearing.

As of 10:08am, 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 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 September 1, 2022 to March 31, 2023.
3. The lawful rent is \$1,658.55. It is due on the 1st day of each month.
4. The Tenant has paid \$1,718.55 to the Landlord after the application was filed.

5. The tenancy ended on October 31, 2022 as a result of the Tenant moving. 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 \$1,598.55

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7. The Landlord collected a rent deposit of \$1,648.15 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. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges and \$5.00 for bank fees the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenant which were returned NSF.
9. 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 \$1,824.55. 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 16, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 17, 2023 at 6.00% annually on the balance outstanding.

**April 5, 2023**

**Date Issued**

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Nicole Huneault

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.

