



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

**Citation:** Chan v Cook-Webster, 2023 ONLTB 28956

**Date:** 2023-04-05

**File Number:** LTB-L-025166-22

**In the matter of:** 1931 ROCKCREEK DR  
OSHAWA ON L1K3B8

**Between:** Audrey Ng and Pascal Chan Landlords

**And**

Dakota Cook-Webster and Jason Webster Tenants

Audrey Ng and Pascal Chan (the 'Landlords') applied for an order to terminate the tenancy and evict Dakota Cook-Webster and Jason Webster (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

AND

The ('Landlords') also applied for an order to terminate the tenancy and evict Dakota Cook-Webster and Jason Webster (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenants rent.

These applications were heard by videoconference on March 23, 2023.

Only the Landlords and their representative Elizabeth Chea attended the hearing.

As of 9:32 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 Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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 January 11, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,100.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.

6. The rent arrears owing to January 11, 2023 are \$21,759.44.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

L2 Application

9. As the Tenants have vacated the rental unit, the Landlords' L2 application is moot and withdrawn at the time of hearing.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated as of January 11, 2023, the date the Tenant moved out of the rental unit
2. The Tenants shall pay to the Landlord \$21,945.44. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before April 16, 2023, the Tenants 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**

\_\_\_\_\_  
Alicia Johnson  
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 Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$21,759.44
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$21,945.44</b>

2023 ONL TB 28956 (CanLI)