



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

Citation: Smith v Swift, 2023 ONLTB 27954

Date: 2023-03-30

File Number: LTB-L-046378-22

In the matter of: 406 McConnell Ave
CORNWALL ON K6H4L7

Between: Mirella Smith Landlord

And

Alexis Swift Tenant

Mirella Smith (the 'Landlord') applied for an order to terminate the tenancy and evict Alexis Swift (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 14, 2023. The Landlord attended the hearing. As of 1:43 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. The Landlord stated that she also sent a copy of the Notice of Hearing to the Tenant via email.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on October 23, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The Tenant has not made any payments since the application was filed.
5. The rent arrears owing to October 23, 2022 are \$2,312.34.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of October 23, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$2,498.34. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.

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3. If the Tenant does not pay the Landlord the full amount owing on or before April 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2023 at 5.00% annually on the balance outstanding.

March 30, 2023

Date Issued

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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	\$2,312.34
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$2,498.34