



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

Citation: IMH POOL III LP v Kerr, 2023 ONLTB 27785

Date: 2023-03-30

File Number: LTB-L-039027-22

In the matter of: PH5, 1080 KINGSTON RD
SCARBOROUGH ON M1N1N5

Between: IMH POOL III LP Landlord

And

Brenton Kerr Tenant

IMH POOL III LP (the 'Landlord') applied for an order requiring Brenton Kerr (the 'Tenant') to pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on February 14, 2023.

Only the Landlord's Representative M. Anderson attended the hearing.

As of 2:07 p.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. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The Tenant did not pay the total rent they were required to pay for the period from June 1, 2022 to March 31, 2023.
3. The lawful rent is \$1,756.16. It is due on the 1st day of each month.
4. The Tenant has paid \$14,262.80 to the Landlord after the application was filed.
5. The rent arrears owing to February 28, 2023 are \$126.00.
6. The Landlord is entitled to \$40.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of 2 cheques given by or on behalf of the Tenant which were returned NSF.
7. 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 owes the Landlord the cost of the application and unpaid NSF charges \$226.00, less an overpayment of rent of \$126.00. The Tenant owes the Landlord \$100.00.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 10, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 11, 2023 at 5.00% annually on the balance outstanding.

March 30, 2023

Date Issued

William Greenberg

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.