



Order under Section 69 Residential Tenancies Act, 2006

Citation: Hamiton East Kiwanis NP Homes Inc v Hawke, 2023 ONLTB 28121

Date: 2023-03-29

File Number: LTB-L-002745-23

In the matter of: 75, 595 Rymal Road East
Hamilton ON L8W3V5

Between: Hamiton East Kiwanis NP Homes Inc Landlord

And

Ken Hawke Tenant

Hamiton East Kiwanis NP Homes Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Ken Hawke (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 16, 2023 at 1:00 p.m.

Only the Landlord, represented by Lindsey Hauser, an employee, attended the hearing.

As of 3:42 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. 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$218.00. It is due on the 1st day of each month.
4. The Tenant has paid \$5,861.00 to the Landlord since the application was filed.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

6. The Tenant has paid all outstanding rental arrears leaving a balance outstanding for the application costs of \$168.00

It is ordered that:

Order Page: 1 of 2

File Number: LTB-L-002745-23

1. The Tenant shall pay the Landlord the sum of \$168.00
2. If the Tenant does not pay the Landlord the full amount owing on or before April 9, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 10, 2023 at 5.00% annually on the balance outstanding.
3. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

March 29, 2023

Date Issued

Peter Pavlovic
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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 31, 2023

Rent Owing To March 31, 2023	\$5843.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5,861.00

Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlord owes the Tenant for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total the Tenant must pay	\$168.00