



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

Citation: CAPREIT LIMITED PARTNERSHIP v Clyburn, 2023 ONLTB 27812

Date: 2023-03-29

File Number: LTB-L-036326-22

In the matter of: 5, 94 CHURCHILL ST
WATERLOO ON N2L2X2

Between: CAPREIT LIMITED PARTNERSHIP Landlord

And

Wendy Clyburn Tenant

CAPREIT LIMITED PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict Wendy Clyburn (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 13, 2023.

Only the Landlord's Agent Ayden Pearson attended the hearing.

As of 10:13 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 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 July 11, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$986.33. It was due on the 1st day of each month.
5. The Tenant has paid \$848.33 to the Landlord since the application was filed.
6. The rent arrears owing to July 11, 2022 are \$175.17.
7. The Landlord 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.

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It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of July 11, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$361.17. 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.
3. 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.

March 29, 2023

Date Issued

Margo den Haan

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	\$1,023.50
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$848.33
Total amount owing to the Landlord	\$361.17

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