



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

Citation: Russell v Dawkins, 2023 ONLTB 27613

Date: 2023-03-29

File Number: LTB-L-064815-22

In the matter of: 1, 78 Stanley Street London
Ontario N6C1B1

Between: David Russell and The Apartment Shoppe Landlord

And

Dwight Cowans and Vanessa Dawkins Tenant

David Russell and The Apartment Shoppe (the 'Landlord') applied for an order requiring Dwight Cowans and Vanessa Dawkins (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on March 14, 2023. Only the Landlord's representative, Jonathan Day, attended the hearing.

The Landlord and the Tenant attended the hearing.

As of 2:00 p.m., the Tenants were 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 Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants vacated the rental unit on October 9, 2022. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenants' obligation to pay rent ends on October 31, 2022.
3. The Tenants did not pay the total rent they were required to pay for the period from May 1, 2022 to October 31, 2022.
4. The lawful rent is \$1,448.40. It is 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 and daily compensation owing to October 31, 2022 are \$5,790.40

7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

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It is ordered that:

1. The Tenants shall pay to the Landlord \$5,991.40. This amount includes rent arrears owing up to October 31, 2022 and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before April 9, 2023, the Tenants 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

Dawn Sullivan

Vice Chair, 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.

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