



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

Citation: Willing v Warburton, 2023 ONLTB 27593

Date: 2023-03-27

File Number: LTB-L-063861-22

In the matter of: 503, 80 Speedvale Avenue West Guelph
Ontario N1H1K3

Between: Aaron Willing and Williams & McDaniel Landlord
Property Management

And

Kevin Warburton Tenant

Aaron Willing and Williams & McDaniel Property Management (the 'Landlord') applied for an order requiring Kevin Warburton (the 'Tenant') to pay the rent that the Tenant owes.

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

As of 2:00 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 Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant did not pay the total rent they were required to pay for the period from July 1, 2022 to September 30, 2022.
3. The lawful rent is \$1,446.95. It is due on the 1st day of each month.
4. The Tenant has not made any payments since the application was filed.
5. The Tenant is no longer in possession of the rental unit. On July 4, 2022, the Tenant notified the Landlord that they would be vacating the rental unit on August 31, 2022. As this notice was less than 60 days, the tenancy was not lawfully terminated. Therefore, the Tenant's obligation to pay rent ends on September 30, 2022. The Landlord was unable to re-rent the unit.

6. The rent arrears and daily compensation owing to September 30, 2022 are \$3,641.25
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 Tenant shall pay to the Landlord \$3,842.25. This amount includes rent arrears owing up to September 30, 2022 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 7, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 8, 2023 at 5.00% annually on the balance outstanding.

March 27, 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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