



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

Citation: SAMSON v SINCLAIR, 2023 ONLTB 26572

Date: 2023-03-23

File Number: LTB-L-044118-22

In the matter of: LOWER (BASEMENT), 72 AVATAR PLACE
MOUNT HOPE ONTARIO L9C3R3

Between: GILL SAMSON Landlord

And

DARRYL SINCLAIR Tenant

GILL SAMSON (the 'Landlord') applied for an order to terminate the tenancy and evict DARRYL SINCLAIR (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 12, 2022.

Only the Landlord attended the hearing.

As of 10:05am 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 \$1,600.00. It is due on the first day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$52.60. This amount is calculated as follows: \$1,600.00 x 12, divided by 365 days.
5. The Tenant has made no payments since the application was filed.
6. The rent arrears owing to October 27, 2022 are \$10,200.00.
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.

Order Page: 1 of 2

File Number: LTB-L-044118-22

9. The Landlord submitted they are seeing an interest only Order, allowing the Tenants three (3) months to pay the arrears and the cost of application fee.

It is ordered that:

1. The Tenants shall pay to the Landlord \$10,200.00 for the remaining cost of rental arrears and the application fee \$186.00.
2. If the Tenants do not pay the Landlord the full amount owing on or before June 23, 2023 the Tenants will start to owe interest. This will be simple interest calculated from June 24, 2023 at 5.00% annually on the balance outstanding.

March 23, 2023

Date Issued

John Tzanis

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.

