



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

Citation: Henry v Schelling, 2023 ONLTB 26509

Date: 2023-03-23

File Number: LTB-L-060417-22

In the matter of: MAIN, 115 COLLEGE ST. NORTH EAST
THUNDER BAY ONTARIO P7A 5J6

Between: John Henry Landlord

And

Jacob Schelling Tenants
Journeye Simpson

John Henry (the 'Landlord') applied for an order requiring Jacob Schelling and Journeye Simpson (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on February 27, 2023.

Only the Landlord's representative Michelle Lambert, licensed paralegal attended the hearing.

As of 2:14 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 vacated the rental unit on September 30, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Landlord amended their application to an L9 application solely for arrears of rent and the filing fee. The Landlord was seeking the arrears outstanding to September 30, 2022.
3. The Tenants did not pay the total rent they were required to pay for the period from June 1, 2022 to September 30, 2022.
4. The lawful rent is \$1,900.00. 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 tenancy ended on September 30, 2022 as a result of the Tenants moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.

7. The rent arrears and daily compensation owing to September 30, 2022 are \$7,600.00.

Order Page: 1 of 2

File Number: LTB-L-060417-22

8. There is a rent deposit of \$1,900.00 being held by the Landlord. Interest owing on the rent deposit is \$34.83.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$5,665.17. This amount includes rent arrears owing up to and the cost of the application, less the rent deposit and the interest owing.
2. If the Tenants do not pay the Landlord the full amount owing on or before April 3, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 4, 2023 at 5.00% annually on the balance outstanding.

March 23, 2023

Date Issued

Greg Witt

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.

Order Page: 2 of 2