



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

**Citation:** KENLAR INVESTMENTS INC v Tuepah, 2023 ONLTB 24159

**Date:** 2023-03-14

**File Number:** LTB-L-042743-22

**In the matter of:** G60, 1733 BATH RD  
KINGSTON ON K7M4Y1

**Between:** KENLAR INVESTMENTS INC Landlord

**And**

Craig Tuepah Tenant

KENLAR INVESTMENTS INC (the 'Landlord') applied for an order to terminate the tenancy and evict Craig Tuepah (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on February 28, 2023.

Only the Landlord's Legal Representative Greg Foss attended the hearing.

As of 1:54 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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

**Determinations:**

1. At the hearing the Landlord's Legal Representative relied on oral submissions and referred to documents to support their application.
2. 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.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Tenant vacated the rental unit on December 1, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.

5. The lawful rent was \$847.56. It was due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The Landlord claimed rent arrears owing to December 1, 2022 in the amount of \$2,542.62.

**File Number:** LTB-L-042743-22

8. The Landlord waived claims to NSF charges.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$847.56 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
11. Interest on the rent deposit, in the amount of \$66.49 is owing to the Tenant for the period from May 18, 2017 to December 1, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of December 1, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$1,842.43. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. 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 March 25, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 26, 2023 at 5.00% annually on the balance outstanding.

**March 14, 2023**

**Date Issued**

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John Cashmore

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.

File Number: LTB-L-042743-22

**Schedule 1  
SUMMARY OF CALCULATIONS**

2023 ONL TB 24159 (CanLII)

**A. Amount the Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$2,570.48
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$847.56
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$66.49
<b>Total amount owing to the Landlord</b>	<b>\$1,842.43</b>