



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

**Citation:** Greenstone Asset Management v Gagg, ONLTB 0

**Date:** 2023-03-07

**File Number:** LTB-L-037248-22

**In the matter of:** 34, 219 Keefer, NAKINA ON P0T2H0

**Between:** Greenstone Asset Management Landlord

**And**

Jerry Gagg Tenant

Greenstone Asset Management (the 'Landlord') applied for an order to terminate the tenancy and evict Jerry Gagg (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 13, 2023.

Only the Landlord's Agent, Cody Abernot attended the hearing.

As of 2:46 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 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. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on December 18, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,100.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to December 18, 2022 are \$11,650.88.
7. The Landlord is entitled to \$180.00 to reimburse the Landlord for administration charges and \$45.00 for bank fees the Landlord incurred as a result of 0 cheque given by or on behalf of the Tenant which were returned NSF.

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of December 18, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$12,061.88. 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 and unpaid NSF charges. 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 18, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 19, 2023, at 5.00% annually on the balance outstanding.

**March 7, 2023**  
**Date Issued**

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Camille Clyne

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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$11,650.88
Application Filing Fee	\$186.00
NSF Charges	\$225.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$12,061.88</b>