



Order under Section 69 Residential Tenancies Act, 2006

Citation: ASHTON v MATHESON, 2023 ONLTB 18804

Date: 2023-02-13

File Number: LTB-L-057062-22

In the matter of: 701, 3 APPLE STREET
BROCKVILLE ON K6V4X5

Between: DALE ASHTON Landlord

And

COLEEN MATHESON Tenants
RAYMOND TEANEY

DALE ASHTON (the 'Landlord') applied for an order to terminate the tenancy and evict COLEEN MATHESON and RAYMOND TEANEY (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 31, 2023.

The Landlord Dale Ashton and the Tenants Colleen Matheson and Raymond Teaney and the Tenants' Legal Representative Linda Tranter attended the hearing.

Determinations:

1. At the hearing the Landlord relied on oral submissions and referred to documents to support their application. The Tenants were also given an opportunity to provide submissions and evidence.

Preliminary Issue

2. As a preliminary issue, the Tenants pointed out the N4 Notice did not correctly set out the monthly rent that was charged to the Tenants in the rental tables contained in the N4 Notice. The first rent table on the N4 Notice stipulates a period from October 1, 2021 until March 31, 2022. The rent charged for that time period according to the N4 Notice is \$20,000.00. The monthly rent is \$1,250.00 and the amount for this time period should have been \$7,500.00.
3. The Landlord acknowledged the error and I found the N4 Notice defective as it did not accurately set out the amount of monthly rent charged for the time period indicated. I explained to the Landlord that he could withdraw his application or proceed for an order for rent arrears only. The Landlord chose to proceed seeking an order for the rental arrears.

Rent Arrears

4. As of the hearing date, the Tenants were still in possession of the rental unit.
5. The lawful rent is \$1,250.00. It is due on the 1st day of each month.
6. The Tenants have paid \$7,750.00 to the Landlord since the application was filed.
7. The rent arrears owing to January 31, 2023 are \$7,600.00. The Tenants agreed with this amount.
8. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$7,801.00. This amount includes rent arrears owing up to January 31, 2023 and the cost of the application. See Schedule 1 for a calculation of this amount.
2. If the Tenants do not pay the Landlord the full amount owing on or before April 13, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 14, 2023 at 5.00% annually on the balance outstanding.

February 13, 2023

Date Issued

John Cashmore
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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenants must pay for arrears of rent to January 31, 2023

| | |
|--|-------------------|
| Rent Owing To January 31, 2023 | \$15350.00 |
| Application Filing Fee | \$201.00 |
| NSF Charges | \$0.00 |
| Less the amount the Tenant paid to the Landlord since the application was filed | - \$7,750.00 |
| Total amount owing to the Landlord | \$7,801.00 |