



Order under Section 69 Residential Tenancies Act, 2006

Citation: 2168443 Ontario Limited v Cowan, 2023 ONLTB 18556

Date: 2023-02-13

File Number: LTB-L-033281-22

In the matter of: 13300 DIXIE RD
CALEDON ON L7C2M4

Between: 2168443 Ontario Limited Landlord

And

Keith Cowan Tenant

2168443 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Keith Cowan (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord's Legal Representative Manpreet Uppal attended the hearing.

As of 10:26 a.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:

Preliminary Issue

1. As a preliminary issue, I pointed out to the Landlord's Legal Representative the rental periods contained on the N4 Notice of Termination were wrong. They alleged rent arrears from January 1, 2019 until March 1, 2022. The monthly rent is due on the first of the month and I find March 1, 2022 was not the end of a rental period but the start of a new one.
2. I found the N4 Notice invalid as it did not accurately set out to the Tenant which time periods the alleged arrears applied to. Based on my finding, the Landlord's Legal Representative sought an order for arrears only.

Arrears of Rent Application

3. At the hearing the Landlord's Legal Representative relied on oral submissions and referred to documents to support their application.

4. As of the hearing date, the Tenant was still in possession of the rental unit and was when the application was filed. The evidence of the Landlord's Legal Representative was the Landlord suspected the Tenant may have vacated the rental unit but they had not received the keys back. Also, some of the Tenant's belongings remained in the rental unit.
5. The lawful rent is \$1,500.00. It is due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to January 31, 2023 are \$29,400.00.
8. 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 Tenant shall pay the Landlord \$29,586.00 for arrears of rent up to January 31, 2023 and costs.
2. If the Tenant does not pay the Landlord the full amount owing on or before February 24, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 25, 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.

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

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|---|--------------------|
| Rent Owing to January 31, 2023 | \$29,400.00 |
| Application Filing Fee | \$186.00 |
| Total amount owing to the Landlord | \$29,586.00 |