



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

Citation: Lapenotiere v Fleet, 2023 ONLTB 19662

Date: 2023-02-09

File Number: LTB-L-032048-22

In the matter of: 4, 1572 NORTH SHORE DR
LOWBANKS ON N0A 1K0

Between: Miles Lapenotiere Landlord

And

Cassandra Fleet Tenants
Kyle Lyon

Miles Lapenotiere (the 'Landlord') applied for an order requiring Cassandra Fleet and Kyle Lyon (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on January 30, 2023.

Only the Landlord Miles Lapenotiere and his representative J Brad Chudyk, licensed paralegal attended the hearing.

As of 9:44 a.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 June 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 June 30, 2022.
3. The Tenants did not pay the total rent they were required to pay for the period from December 1, 2021 to June 30, 2022.
4. The lawful rent is \$1,550.00. 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 June 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 June 30, 2022 are \$10,850.00.



8. There is no rent being held on deposit by the Landlord.
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 \$11,036.00. This amount includes rent arrears owing up to June 30, 2022 and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before February 20, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 21, 2023 at 5.00% annually on the balance outstanding.

February 9, 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.