



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

Citation: HAMILTON EAST KIWANIS NP HOMES INC. v LONGBOAT, 2023 ONLTB 18793

Date: 2023-02-09

File Number: LTB-L-056779-22

In the matter of: 67, 21 SANDFORD AVENUE NORTH
HAMILTON ON L8L8G5

Between: HAMILTON EAST KIWANIS NP HOMES Landlord
INC.

And

SHAWNA LONGBOAT Tenant

HAMILTON EAST KIWANIS NP HOMES INC. (the 'Landlord') applied for an order to terminate the tenancy and evict SHAWNA LONGBOAT (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 Agent Caitlyn Bell attended the hearing.

As of 2:06 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 Agent 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 November 30, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent was \$930.00. It was due on the 1st day of each month.
6. The Tenant has paid \$1,762.00 to the Landlord since the application was filed.
7. The rent arrears owing to November 30, 2022 are \$5,773.00.

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8. The Landlord incurred costs of \$201.00 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 November 30, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$5,974.00. 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. 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 February 20, 2023, the Tenant 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

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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$7,535.00
Application Filing Fee	\$201.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,762.00
Total amount owing to the Landlord	\$5,974.00