



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

Citation: Botham v Macneil, 2023 ONLTB 18591

Date: 2023-02-06

File Number: LTB-L-031692-22

In the matter of: 2, 4 DUNCAN ST E
HUNTSVILLE ON P1H1V9

Between: Frances Botham Landlord

And

Jennifer MacNeil Tenant

Frances Botham (the 'Landlord') applied for an order to terminate the tenancy and evict Jennifer MacNeil (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord's legal representative, J. Brad Chudyk attended the hearing

As of 11:46 a.m. the Tenant was not present or represented at the hearing.

Determinations:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
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 July 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$700.00. 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 July 31, 2022 are \$7,000.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. 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 July 31, 2022, the date the Tenant moved out of the rental unit

2. The Tenant shall pay to the Landlord \$7,186.00. 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 17, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 18, 2023 at 5.00% annually on the balance outstanding.

February 6, 2023

Date Issued

Debbie Mosaheb

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	\$7,000.00
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$7,186.00