



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

Citation: London & Middlesex Community Housing Inc. v Semaan, 2023 ONLTB 19141

Date: 2023-02-03

File Number: LTB-L-025460-22

In the matter of: 1212, 170 KENT ST
LONDON ON N6A1L4

Between: London & Middlesex Community Housing Inc. Landlord

And

Jacqueline Semaan Tenant

London & Middlesex Community Housing Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Jacqueline Semaan (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on January 5, 2023.

The Tenant attended the hearing. The Landlord was represented at the hearing by Preston Haynes.

Determinations:

1. 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.
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 September 14, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$735.00. It was due on the 1st day of each month.
5. The Tenant has paid \$238.00 to the Landlord since the application was filed.
6. The Landlord alleges the rent arrears owing to September 14, 2022, are \$4,884.69.
7. The Tenant does not believe she is in rent arrears but did not provide any documentary evidence to support her claim. This is also inconsistent with her submission at the hearing acknowledging that she has not paid any rent since November 2021.
8. The Tenant also believes the Landlord harassed her. Based on that harassment she does not believe she is obligated to pay rent to the Landlord.

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9. The issue of harassment is not currently before the Board. The Tenant has filed a separate application to address these issues. On December 28, 2022, Member Ramlochan denied the Tenant's request to have these matters heard together. Accordingly, I will not be addressing the issue of harassment at this time. The Tenant will have an opportunity to bring forward her claim for her harassment, in her own application, on a date to be scheduled by the Board.
10. I have considered the evidence before the Board. I find the rent arrears to September 14, 2022 are \$4409.93
11. The Landlord is entitled to \$40.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of 2 cheques given by or on behalf of the Tenant which were returned NSF.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
13. The Landlord collected a rent deposit of \$238.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
14. Interest on the rent deposit, in the amount of \$2.01 is owing to the Tenant for the period from January 1, 2021 to September 14, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of September 14, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$4,157.92. 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 and unpaid NSF charges. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. 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 March 31, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 01, 2023 at 5.00% annually on the balance outstanding.

February 24, 2023

Date Issued

Bryan Delorenzi

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	\$4,409.93
Application Filing Fee	\$186.00
NSF Charges	\$40.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$238.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$238.00
Less the amount of the interest on the last month's rent deposit	- \$2.01
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$4,157.92