



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

Citation: Szabo v Button, 2023 ONLTB 16006

Date: 2023-01-24

File Number: LTB-L-027733-22

In the matter of: Upper Unit, 105 WELLINGTON ST S
HAMILTON ON L8N2R3

Between: Jonathan Szabo Landlord

And

Ryan Craig Button Tenants
Shadan Lorenzo Simmons

Jonathan Szabo (the 'Landlord') applied for an order to terminate the tenancy and evict Ryan Craig Button and Shadan Lorenzo Simmons (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 17, 2023.

Only the Landlord attended the hearing. The Landlord's Legal Representative J. Tannos was also present

As of 10:27 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 Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on November 1, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,583.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to November 1, 2022 are \$22,214.04.
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 Tenants is terminated as of November 1, 2022, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$22,400.04. This amount includes rent arrears owing up to the date the Tenants 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 Tenants do not pay the Landlord the full amount owing on or before February 4, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 5, 2023 at 5.00% annually on the balance outstanding.

January 24, 2023

Date Issued

Sheena Brar

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	\$22,214.04
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
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	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
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	\$22,400.04