



**Order under Section 69 and 87
Residential Tenancies Act, 2006**

Citation: Sicurella v Miranda, 2023 ONLTB 15561

Date: 2023-01-23

File Number: LTB-L-009301-22

In the matter of: 197 WOOD ST E
HAMILTON ON L8L3Z2

Between: Jay Sicurella Landlord

And

Crystal Miranda Tenant

Jay Sicurella (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Miranda (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

Jay Sicurella (the 'Landlord') also applied for an order to terminate the tenancy and evict Crystal Miranda (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises.

Jay Sicurella (the 'Landlord') also applied for an order requiring Crystal Miranda (the 'Tenant') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was heard by videoconference on January 12, 2023.

Only the Landlord's Legal Representative Edwin Alexander attended the hearing.

As of 9:55 a.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:

L1 Application

1. At the hearing the Landlord's Legal Representative 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

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arrears owing by the termination date in the N4 Notice or before the date the application was filed.

3. Based on the uncontested evidence of the Landlord's Legal Representative I find the Tenant vacated the rental unit on April 30, 2022. The Tenant was in possession of the rental unit on the date the application was filed. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent was \$1,700.00. 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 April 30, 2022 are \$6,200.00.
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.

L2 Application

9. At the hearing, the Landlord's Legal Representative requested consent of the Board to withdraw their L2 application. Pursuant to section 200(4) of the *Residential Tenancies Act, 2006* (the Act), I consented to the withdrawal of the L2 application.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 30, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$6,386.00. 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 3, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 4, 2023 at 5.00% annually on the balance outstanding.
4. The Landlord's L2 application is dismissed.

January 23, 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.

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**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$6,200.00
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$6,386.00