



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

Citation: Bilobrk v Cormack, 2023 ONLTB 15606

Date: 2023-01-19

File Number: LTB-L-012569-22

In the matter of: 1, 79 BARNESDALE BLVD
HAMILTON ON L8M2V5

Between: Elizabeth Bilobrk Landlord

And

Meagan Cormack Tenant

Elizabeth Bilobrk (the 'Landlord') applied for an order to terminate the tenancy and evict Meagan Cormack (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant;
- the Tenant has not paid the rent the Tenant owes.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on January 11, 2023.

Only the Landlord's Legal Representative, Nilo Grabar, attended the hearing.

As of 11:05 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. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenant the following notices of termination on the following dates:
 - January 23, 2023 N5 notice of termination because the Tenant, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. The termination date on the notice was February 14, 2023.

- February 23, 2023 a 2nd N5 notice of termination because the Tenant, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant. The termination date on the notice was March 10, 2023.
 - February 8, 2023 N4 notice of termination for non-payment of rent. The termination date in the notice was February 22, 2023.
2. The Tenant vacated the rental unit on May 7, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
 3. The Landlord's Legal Representative submitted that as the Tenant has vacated, the Landlord is withdrawing the N5 portion of the application.
 4. The lawful rent is \$1,350.00. 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 May 7, 2022 are \$0.00.
 7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
 8. The Landlord collected a rent deposit of \$1,350.00 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.
 9. Interest on the rent deposit, in the amount of \$10.65 is owing to the Tenant for the period from September 10, 2021.
 10. The Landlord's Legal Representative submitted that as the Tenant has vacated, the Landlord is only seeking payment of the outstanding arrears and the application filing fee.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of May 7, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay the Landlord \$4,510.23*, which represents the amount of rent owing and compensation up to March 31, 2022, less the rent deposit and applicable interest.
3. If the Tenant does not pay the Landlord the full amount owing on or before January 30, 2023, the Landlord will start to owe interest. This will be simple interest calculated from January 31, 2023 at 5.00% annually on the balance outstanding.

January 19, 2023**Date Issued**_____
Diane Wade

Member, Landlord and Tenant Board

15 Grosvenor Street, 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 From January 1, 2023 To Move Out Date	\$5,684.88
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	- \$1,350.00
Less the amount of the interest on the last month's rent deposit	- \$10.65
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	\$4,510.23