



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

Citation: Sivsammye v Meany, 2023 ONLTB 16022

Date: 2023-01-18

File Number: LTB-L-026175-22

In the matter of: 510-8111 Forest Glen Drive
Niagara Falls, ON L2H 2Y7

Between: Gopill Sivsammye Landlords
Lealayhe Sivsammye

And

Belinda Meany Tenant

Gopill Sivsammye and Lealayhe Sivsammye (the 'Landlords') applied for an order to terminate the tenancy and evict Belinda Meany (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 16, 2023.

Only the Landlord's Legal Representative Hoi Fan Alvin Chan attended the hearing.

As of 10:38 am, 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 Landlords 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 July 1, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,850.00. It was due on the 15th day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to July 1, 2022 are \$12,133.94.
7. The Landlords 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:

9. The tenancy between the Landlords and the Tenant is terminated as of July 1, 2022, the date the Tenant moved out of the rental unit
10. The Tenant shall pay to the Landlords \$12,319.94. 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.
11. If the Tenant does not pay the Landlords the full amount owing on or before January 29, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 30, 2023 at 5.00% annually on the balance outstanding.

January 18, 2023

Date Issued

Jagger Benham

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	\$12,133.94
Application Filing Fee	\$186.00
Total amount owing to the Landlords	\$12,319.94