



Order under Section 69 Residential Tenancies Act, 2006

Citation: Briarcrest Manor v Johnson, 2023 ONLTB 13862

Date: 2023-01-09

File Number: LTB-L-008267-22

In the matter of: 1711, 265 DIXON RD
ETOBICOKE ON M9R1R7

Between: Briarcrest Manor Landlord

And

Gwendolyn Johnson Tenant

Briarcrest Manor (the 'Landlord') applied for an order to terminate the tenancy and evict Gwendolyn Johnson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on August 17, 2022.

Only the Landlord's representative Mark Ciobotaru attended the hearing.

As of 2:10pm, 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 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,858.07. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$61.09. This amount is calculated as follows: \$1,858.07 x 12, divided by 365 days.
5. The Tenant has paid \$1,870.00 to the Landlord since the application was filed.
6. The rent arrears owing to August 31, 2022 are \$3,571.39.
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 \$1,818.08 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$13.69 is owing to the Tenant for the period from January 1, 2021 to August 17, 2022.
10. At the hearing, the Landlord's representative submitted that the apartment building had been transferred to a new owner, and the old Landlord is seeking an order for the rent arrears of \$3,757.39 the Tenant owed before the transfer of ownership.

It is ordered that:

1. The Tenant shall pay to the Landlord \$3,757.39. 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. See Schedule 1 for the calculation of the amount owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before January 20, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 21, 2023 at 5.00% annually on the balance outstanding.
3. The Tenant shall pay to the Landlord any sum of money that is owed as a result of this order.

January 9, 2023
Date Issued

Percy Laryea
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on July 21, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

*Note: When the Board directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing to Hearing Date	\$5,441.39
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,870.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$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	- \$
Total the Tenant must pay to continue the tenancy	\$3,757.39

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