



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

**Citation:** Lee v Davis, 2022 ONLTB 13921

**Date:** 2022-12-06

**File Number:** LTB-L-017743-22

**In the matter of:** 27 MANSBRIDGE CRES  
AJAX ON L1Z1S3

**Between:** Jaroslaw Daniel Gafijczuk, Landlords  
Jessica Li lin Lee

**And**

Kimberlee Camille Davis Tenant

Jaroslaw Daniel Gafijczuk, Jessica Li lin Lee (the 'Landlords') applied for an order to terminate the tenancy and evict Kimberlee Camille Davis (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 11, 2022. Only the first named Landlord attended the hearing.

As of 1:44pm, 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 Landlords'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 May 3, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$1,600.00. 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 3, 2022 are \$3,957.80.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$1,600.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.

2022 ONLTB 13921 (CanLII)

9. Interest on the rent deposit, in the amount of \$26.22 is owing to the Tenant for the period from June 19, 2020 to May 3, 2022.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated as of May 3, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlords \$2,517.58. 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. The rent deposit and interest the Landlords owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlords the full amount owing on or before December 17, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 18, 2022 at 4.00% annually on the balance outstanding.

**December 6, 2022**  
**Date Issued**

\_\_\_\_\_  
Curtis Begg  
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.

\*Note: When the LTB 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 as the tenancy is terminated**

Rent Owing To Move Out Date	\$3,957.80
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlords since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,600.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$26.22
<b>Less</b> the amount the Landlords owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlords</b>	<b>\$2,517.58</b>