



**Order under Section 69 and Section 77
Residential Tenancies Act, 2006**

Citation: ZUBURIC v POCKNELL, 2022 ONLTB 12993

Date: 2022-11-29

File Number: LTB-L-061623-22

In the matter of: LOWER, 1049 DOUGLAS CRESCENT
NIAGARA FALLS ONTARIO L2S3C3

Between: MARIJAN ZUBURIC Landlord

And

FRANCES POCKNELL Tenant

2022 ONLTB 12993 (CanLII)

MARIJAN ZUBURIC (the 'Landlord') applied for an order to terminate the tenancy and evict FRANCES POCKNELL (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant entered into an agreement to terminate the tenancy with the Landlord.

This application was heard by videoconference on November 17, 2022. Only the Landlord attended the hearing. As of 9:30am the Tenant was not present or represented although properly served with notice of the hearing by the Board. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

At the hearing, the Landlord requested the consent of the Board to withdraw their claim for monetary compensation for non-payment of rent. The only amount sought by the Landlord is the application filing fee.

Determinations:

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant vacated the rental unit on September 1, 2022.
3. The Landlord waives the rent arrears owing to September 1, 2022 because the Tenant vacated the rental unit and the Landlord believes that it is unlikely they will be able to collect any of the outstanding rent from the Tenant.
4. The lawful rent is \$1,200.00. 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 Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
7. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of September 1, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$201.00. This amount is the cost of filing the applications.
3. The Landlords claim for rent arrears is withdrawn.
4. If the Tenant does not pay the Landlord the full amount owing on or before December 10, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 11, 2022 at 4.00% annually on the balance outstanding.

November 29, 2022
Date Issued

Terri van Huisstede
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.