



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

Citation: Mcsherry v Goard, 2022 ONLTB 12464

Date: 2022-11-21

File Number: LTB-L-019122-22

In the matter of: , 71 ALGONQUIN AVE
KIRKLAND LAKE ON P2N1C1

Between: Mary Martha Mcsherry Landlord

And

Brittany Daniher Goard Tenant

Mary Martha Mcsherry (the 'Landlord') applied for an order to terminate the tenancy and evict Brittany Daniher Goard (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 25, 2022.

Only the Landlord attended the hearing.

As of 3:06 p.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 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 August 11, 2022, on which date the Tenant returned to the keys to the rental unit. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$1,300.00. It was due on the 1st day of each month.
5. The Tenant has paid \$2,800.00 to the Landlord since the application was filed.
6. The rent arrears owing to August 11, 2022 are \$5,570.14. However, at the hearing the Landlord requested an order for arrears to July 31, 2022, only, to July 31, 2022, which is \$5,100.00

7. The Landlord 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:

1. The tenancy between the Landlord and the Tenant is terminated as of July 31, 2022.
2. The Tenant shall pay to the Landlord \$5,286.00. This amount includes rent arrears owing up to July 31, 2022 and the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before December 2, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 3, 2022 at 2.00% annually on the balance outstanding.

November 21, 2022
Date Issued

Sean Henry
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.