



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

**Citation:** 1814009 Ontario Inc v Le, 2022 ONLTB 12217

**Date:** 2022-11-17

**File Number:** LTB-L-023238-22

**In the matter of:** 711, 7711 GREEN VISTA GATE  
NIAGARA FALLS ON L2G0Y9

**Between:** 1814009 Ontario Inc Landlord

**And**

Vanessa Le Tenant

1814009 Ontario Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Vanessa Le (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on November 10, 2022. Only the Landlord and the Landlord's agent Alice Nekoui attended the hearing. As of 9:51am, the Tenant was not present, despite being served with notice of hearing by the Board.

The Board's records show that from November 3, 2022, the Tenant had uploaded numerous submissions to the Tribunal Ontario Portal (TOP), including evidence that the Tenant would be permitted to raise under Section 82 of the *Residential Tenancies Act, 2006* (the Act). On November 9, 2022, the Tenant sent an email to the Board requesting that the hearing be cancelled as she is no longer in possession of the rental unit.

Based on the Board's records, I am satisfied that the Tenant was aware of the date, time and location of the hearing, but chose not to attend. As such, the matter proceeded to be heard on an uncontested basis.

**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 13, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$2,400.00. It was due on the 18th day of each month.
5. The Tenant has paid \$5,000.00 to the Landlord since the application was filed.

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6. The Landlord is entitled to \$10.00 for bank fees the Landlord incurred as a result of 2 cheques given by or on behalf of the Tenant which were returned NSF.
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 August 13, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$11,726.30. 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.
3. If the Tenant does not pay the Landlord the full amount owing on or before November 28, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 29, 2022 at 4.00% annually on the balance outstanding.

**November 17, 2022**  
**Date Issued**

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Fabio Quattrociocchi  
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	\$16,530.30
Application Filing Fee	\$186.00
NSF Charges	\$10.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$5,000.00
<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	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Less</b> the amount the Landlord 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 Landlord</b>	<b>\$11,726.30</b>

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