



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

Citation: Skyline Living v Agong, 2022 ONLTB 11576

Date: 2022-11-17

File Number: LTB-L-016508-22

In the matter of: 502, 3400 ERSKINE ST
WINDSOR ON N8Y4T5

Between: Skyline Living Landlord

And

Chyanne Moses, Moses James Agong Tenant

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Chyanne Moses, Moses James Agong (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 September 29, 2022.

Only the Landlord's agent, Julie McDonald, attended the hearing.

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.
The Tenant vacated the rental unit on June 30, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit. The Tenant gave the Landlord proper notice to terminate, and returned the keys, and the rental unit back to the Landlord. As the tenants vacated, termination is not before me and the only issue for determination is the amount of outstanding arrears to be paid to the Landlord.
3. The lawful rent is \$1,394.08. It was due on the 1st day of each month.
4. The Tenant has paid \$2,185.06 to the Landlord since the application was filed.
5. The rent arrears owing to June 30, 2022 are \$3,384.37.

6. The Landlord submitted a request for \$140.00 to reimburse the Landlord for administration charges and for bank fees the Landlord incurred as a result of 6 cheques given by or on behalf of the Tenant which were returned NSF.

LANDLORD'S NSF FEES

7. The Landlord requested to be reimbursed for administration charges and bank fees incurred. The Landlord did not submit copies of the returned NSF cheques or any evidence to support their claim these costs were incurred.
8. In the absence of any evidence to support the Landlord's claim for incurred charges due to the NSF cheques, this request is denied.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$1,394.08 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
11. Interest on the rent deposit, in the amount of \$11.96 is owing to the Tenant for the period from October 13, 2020 to June 30, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of June 30, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$2,164.33. 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. The rent deposit and interest the Landlord 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 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

Greg Brocanier
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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$5,569.43
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,185.06
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,394.08
Less the amount of the interest on the last month's rent deposit	- \$11.96
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	- \$0.00
Total amount owing to the Landlord	\$2,164.33

2022 ONLTB 11576 (CanLII)