



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

Citation: Bhangu v Tonkin, 2022 ONLTB 12534

Date: 2022-11-16

File Number: LTB-L-021766-22

In the matter of: 121 Birkhall Place
Barrie, ON L4N 0K1

Between: Varinder Bhangu Landlord

And

Sarah Tonkin Tenant

Varinder Bhangu (the 'Landlord') applied for an order to terminate the tenancy and evict Sarah Tonkin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 27, 2022.

The Landlord's Legal Representative Manmohan Rekhi and the Tenant 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.
3. The Tenant vacated the rental unit on July 12, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$1,450.00. 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 July 12, 2022 are \$8,472.04.
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.
9. The Tenant attended the hearing and outlined issues including difficulties paying the rent due to COVID-19 and items that the Landlord still has in his possession however, as the Tenant had already vacated the unit and never sought to seek a rent abatement under s. 82 of the *Residential Tenancies Act, 2006* (the 'Act'), the Tenant was advised that she may have to bring her own application with respect to any issues she intends to raise with respect to her rights as a tenant.

It is ordered that:

10. The tenancy between the Landlord and the Tenant is terminated as of July 12, 2022, the date the Tenant moved out of the rental unit
11. The Tenant shall pay to the Landlord \$8,658.04. 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. See Schedule 1 for the calculation of the amount owing.
12. If the Tenant does not pay the Landlord the full amount owing on or before November 27, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 28, 2022 at 4.00% annually on the balance outstanding.

November 16, 2022

Date Issued

Jagger Benham

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	\$8,472.04
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$8,658.04