



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

Citation: Churchill v Vincent, 2022 ONLTB 11878

Date: 2022-11-15

File Number: LTB-L-030863-22

In the matter of: 51 NORLAND CIR
OSHAWA ON L1L0A7

Between: Jamieson Churchill Landlord

And

Caroline Vincent, Jonathan Rhead, William Barber Tenants

Jamieson Churchill (the 'Landlord') applied for an order to terminate the tenancy and evict Caroline Vincent and Jonathan Rhead, William Barber (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 26, 2022.

Only the Landlord attended the hearing.

As of 10:47a.m., the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants was in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on June 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit
4. The lawful rent is \$2,450.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to July 30, 2022 are \$7,350.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord did collect a rent deposit from the Tenants at the start of the tenancy but when the Tenants fell into arrears in March 2022 the Landlord applied that rent deposit to those arrears. The Landlord also paid the Tenants interest on the rent deposit up until that date. When arrears began accumulating again in April 2022 the Landlord served an N4 Notice regarding arrears that started April 1, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of July 30, 2022, the date the Tenant moved out of the rental unit
2. The Tenants shall pay to the Landlord \$7,536.00. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before November 26, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 27, 2022 at 4.00% annually on the balance outstanding.

November 15, 2022
Date Issued

Amanda Kovats
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 Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$7,350
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
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	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Total amount owing to the Landlord	\$7,536.00

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