



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

Citation: SKYLINE LIVING v CROSBY, 2022 ONLTB 10646

Date: 2022-11-15

File Number: LTB-L-055903-22

In the matter of: 709, 294 TALBOT STREET
ST. THOMAS ONTARIO N5P4E3

Between: SKYLINE LIVING Landlord

And

MATTHEW CROSBY Tenant

SKYLINE LIVING (the 'Landlord') applied for an order requiring MATTHEW CROSBY (the 'Tenant') to pay the rent that the Tenant owes.

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

Only the Landlord's Agent Kyle McCann attended the hearing.

As of 2:24 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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

Determinations:

1. At the hearing the Landlord's Agent relied on oral submissions and referred to documents to support their application.
2. Based on the uncontested evidence of the Landlord's Agent, I find the Tenant vacated the rental unit on August 31, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant did not pay the total rent they were required to pay for the period from February 1, 2022 to August 31, 2022.
4. The lawful rent is \$1,082.90. It is 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 August 31, 2022 are \$6,137.87
7. The Landlord collected a rent deposit of \$1,071.14 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 is terminated.

8. Interest on the rent deposit, in the amount of \$8.52 is owing to the Tenant for the period from January 2, 2022 until August 31, 2022.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The tenancy is terminated effective August 31, 2022.
2. The Tenant shall pay to the Landlord \$5,259.21*. This amount includes rent arrears owing up to August 31, 2022 and the cost of the application minus the rent deposit and interest owing.
3. If the Tenant does 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

John Cashmore
Member, Landlord and Tenant Board

15 Grosvenor Street, 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.

* Please see attached Schedule A.

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: LTB-L-055903-22

A. Amount the Tenants must pay:

Reasons for amount owing	Period	Amount
Arrears:	February 1, 2022 until August 31, 2022	\$6,137.87

Less the rent deposit:		-\$1,071.14
Less interest owing by Landlord:		-\$8.52

Amount owing to the Landlord on the order date: (total of previous boxes)	\$5,058.21
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Additional costs the Tenants must pay to the Landlord:	\$201.00
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Total the Tenants must pay the Landlord:	\$5,259.21
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