



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

Citation: Better Living Homes Inc. v Clarke, 2022 ONLTB 10677

Date: 2022-11-10

File Number: LTB-L-000068-21

In the matter of: 1712, 126 BELLAMY RD N
TORONTO ON M1J2L1

Between: Better Living Homes Inc. Landlord

And

Nathalie Clarke Tenant

Better Living Homes Inc. (the 'Landlord') applied for an order requiring Nathalie Clarke (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on June 20, 2022 and October 28, 2022.

On June 20, 2022 the Landlord's Legal Representative Sabrina Sciulli and the Tenant Nathalie Clarke attended the hearing.

On October 28, 2022, only the Landlord's Legal Representative Sabrina Sciulli attended the hearing.

As of 9:22 a.m. on October 28, 2022, 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. As a result, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. Since the Tenant did not attend and the Landlord was prepared to proceed, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. As of the hearing date, the Tenant is still in possession of the rental unit.
2. Since the filing of the application, the Tenant has paid all the arrears owing under the tenancy agreement up to October 31, 2022. Therefore, the Landlord's application for eviction is denied.
3. The Landlord incurred costs of \$186.00 for filing the application and is seeking reimbursement of the balance of those costs which stands at \$15.34. Rule 23.1 of the Rules of Procedure permit the Board to award the cost of filing an application against the respondent. Although the Landlord's application was denied, it was required to obtain prompt payment of rent and arrears from the Tenant. For this reason, I am awarding the balance of costs with respect to the filing fee of \$186.00.

It is ordered that:

1. The Tenant shall pay to the Landlord \$15.34. This amount represents the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before November 21, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 22, 2022 at 4.00% annually on the balance outstanding.

November 10, 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.