



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

**Citation:** Bunde v Burnett, 2022 ONLTB 11271

**Date:** 2022-11-09

**File Number:** LTB-L-018835-22

**In the matter of:** Upper, 46329 SPARTA LINE  
SPARTA ON N0L2H0

**Between:** Jonathan James Bunde Landlord

**And**

Richard Burnett Tenant

Jonathan James Bunde (the 'Landlord') applied for an order to terminate the tenancy and evict Richard Burnett (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 13, 2022.

Only the Landlord attended the hearing.

As of 2:46 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. As a result, the hearing proceeded with only the Landlord's evidence.

**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 May 7, 2022, at which time the Tenant notified that this advisement to the Landlord. Rent arrears are calculated up to the date the Tenant vacated the unit. The Landlord has since re-rented the unit.
4. The lawful rent is \$940.00. It was due on the first day of each rental period.
5. The rent arrears owing to May 7, 2022 are \$6,906.30.
6. The Landlord's cost to file the application is \$186.00.
7. Due to clerical error the order did not issue in a timely way.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of May 7, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay \$7,092.30 to the Landlord. This amount includes the net rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application.
3. If the Tenant does not pay the Landlord the full amount owing on or before February 26, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 27, 2023 at 2.00% annually on the balance outstanding.

**February 15, 2023**  
**Date Issued**

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Sean Henry  
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.