



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

Citation: AMSTAR POOL I LP v Claud Gibbs, 2022 ONLTB 11557

Date: 2022-11-08

File Number: LTB-L-015513-22

In the matter of: 703, 2757 KIPLING AVE
ETOBICOKE ON M9V4C4

Between: AMSTAR POOL I LP Landlord

And

Seymour Claud Gibbs Tenant

AMSTAR POOL I LP (the 'Landlord') applied for an order requiring Seymour Claud Gibbs (the 'Tenant') to pay the rent that the Tenant owes.

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

Only the Landlord's representative Emma Bennett, licensed paralegal attended the hearing.

As of 3:59 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. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The Landlord amended their application to an L9 application solely for arrears of rent and the filing fee. The Landlord was seeking the arrears outstanding to September 30, 2022.
3. The Tenant did not pay the total rent they were required to pay for the period from November 1, 2021 to September 30, 2022.
4. The lawful rent is \$1,343.19. It is due on the 1st day of each month.
5. The Tenant has made \$10,500.00 in payments since the application was filed.
6. The rent arrears and daily compensation owing to September 30, 2022 are \$0.00; however, the Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. While a portion of these costs were paid, \$52.26 remain outstanding and the Landlord is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$54.26. This amount includes rent arrears owing up to and the cost of the application.

2. If the Tenant does not pay the Landlord the full amount owing on or before November 30, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 1, 2022 at 4.00% annually on the balance outstanding.

November 8, 2022
Date Issued

Greg Witt
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.