



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

**Citation:** O'Connor Apts. Ltd. v Nisbet, 2022 ONLTB 10918

**Date:** 2022-11-07

**File Number:** LTB-L-017621-22

**In the matter of:** 103-994 O'Connor Drive  
Kitchener ON M4B2T3

**Between:** O'CONNOR APTS. LTD. Landlord

**And**

Jean Nisbet Tenant

O'Connor Apts. Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Jean Nisbet (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on October 11, 2022.

Only the Landlord's Representative Ich Arsenio attended the hearing.

As of 10:16 am, 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 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$1,518.00. It was due on the 1st day of each month.
5. The Tenant has paid \$300.00 to the Landlord since the application was filed.
6. The rent arrears owing to May 31, 2022 are \$4,953.51.
7. The Landlord is entitled to \$22.50 to reimburse the Landlord for administration charges the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenant which was returned NSF.

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8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,500.00 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 terminated.
10. Interest on the rent deposit, in the amount of \$14.01 is owing to the Tenant for the period from January 18, 2021 to October 11, 2022.

**It is ordered that:**

11. The tenancy between the Landlord and the Tenant is terminated as of May 31, 2022, the date the Tenant moved out of the rental unit
12. The Tenant shall pay to the Landlord \$3,647.90. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application and unpaid NSF charges. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
13. If the Tenant does not pay the Landlord the full amount owing on or before November 18, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 19, 2022 at 4.00% annually on the balance outstanding.

**November 7, 2022**

**Date Issued**

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Jagger Benham

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 Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$5,253.51
Application Filing Fee	\$186.00
NSF Charges	\$22.50
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$300.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,500.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$14.11
<b>Total amount owing to the Landlord</b>	<b>\$3,647.90</b>