



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

**Citation:** EMMA AND ALBERT DEVELOPMENT INC. v Marcial, 2022 ONLTB 10795

**Date:** 2022-10-31

**File Number:** LTB-L-007802-22

**In the matter of:** 403, 75 EMMA ST  
OSHAWA ON L1H1Y4

**Between:** EMMA AND ALBERT DEVELOPMENT INC. Landlord

**And**

Charmaine Marcial, Thalia Lewis, Wendell Marcial Tenants

EMMA AND ALBERT DEVELOPMENT INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Charmaine Marcial, Thalia Lewis and Wendell Marcial (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 15, 2022. Only the Landlord's legal representative C. Nastas attended the hearing. As of 9:53 am, the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on July 5, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,246.64. It was due on the 1st day of each month.
5. The Tenants have paid \$50.00 to the Landlord since the application was filed.
6. The rent arrears owing to July 5, 2022 are \$13,652.58.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of July 5, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$13,838.58. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before November 11, 2022, the Tenants will start to owe interest. This will be simple interest calculated from November 12, 2022 at 4.00% annually on the balance outstanding.

**October 31, 2022**

**Date Issued**

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Donna Adams

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 Tenants must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$13,702.58
Application Filing Fee	\$186.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$50.00
<b>Total amount owing to the Landlord</b>	<b>\$13,838.58</b>

2022 ONLTB 10795 (CanLII)