



Order under Section 69 Residential Tenancies Act, 2006

Citation: The Rex Motel at Niagara Falls v Cajeli, 2022 ONLTB 1522

Date: 2022-10-26

File Number: LTB-L-010025-22

In the matter of: 6247 MCLEOD RD
NIAGARA FALLS ON L2G3E9

Between: The Rex Motel at Niagara Falls Landlord

And

Antonio Cajeli Tenant

The Rex Motel at Niagara Falls (the 'Landlord') applied for an order to terminate the tenancy and evict Antonio Cajeli (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 7, 2022. Only the Landlord attended the hearing.

As of 9:30 a.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 July 1, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$750.00. It was due on the 22nd day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to July 1, 2022 are \$6,176.60.

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.

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It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of July 1, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$6,362.60. 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. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before November 6, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 7, 2022 at 4.00% annually on the balance outstanding.
4. If the Landlord does not pay the Tenant the full amount owing on or before November 6, 2022, the Landlord will start to owe interest. This will be simple interest calculated from November 7, 2022 at 4.00% annually on the balance outstanding.

October 26, 2022

Date Issued

Alicia Johnson

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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

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Schedule 1 SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$6,176.60
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$6,362.60