



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

Citation: Brisson v Mcfarlane, 2022 ONLTB 9393

Date: 2022-10-19

File Number: LTB-L-009767-22

In the matter of: 311 ST FELIX ST
CORNWALL ON K6H5A7

Between: Scott Brisson Landlord

And

Robert Mcfarlane and Stephanie Snyder Tenants

Scott Brisson (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Mcfarlane and Stephanie Snyder (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 12, 2022.

Only the Landlord's Representative Gregg Foss attended the hearing.

As of 1:27a.m., 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 April 30, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$1,100.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The Landlord's Representative indicated that the rent arrears owing to April 30, 2022 are \$3,825.00. However, when I add the amount of rent arrears owing at the time the application was filed (\$3,825.00) with the amount of rent that has come due since then (\$2,200.00) and minus the payments made by the Tenants since the application was filed (\$0.00), the total amount of outstanding arrears seems to be \$6,025.00. I asked the Landlord's Representative if the arrears should be higher than what he was seeking, but

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he reiterated that the Landlord is seeking \$3,825.00 in arrears. As such, that is the amount of arrears that will be ordered.

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 April 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$4,011.00. This amount includes rent arrears sought by the Landlord and the cost of filing the application.
3. If the Tenants do not pay the Landlord the full amount owing on or before October 30, 2022, the Tenant will start to owe interest. This will be simple interest calculated from October 31, 2022 at 4.00% annually on the balance outstanding.

October 19, 2022
Date Issued

Amanda Kovats
Member, Landlord and Tenant Board

15 Grosvenor St, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.