



Jul 5, 2023

Landlord and Tenant Board

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

Citation: Harmony Gardens v Christopher Sheppard, 2023 ONLTB 48119

Date: 2023-07-05

File Number: LTB-L-016376-23

In the matter of: 24, 23 Harmony Road South
OSHAWA ON L1G6K8

Between: Harmony Gardens Landlord

And

Christopher Sheppard Tenant

Harmony Gardens (the 'Landlord') applied for an order requiring Christopher Sheppard (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on June 21, 2023.

Only the Landlord's legal representative, Joey Kay, attended the hearing.

As of 2:55 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. The Tenant did not attend the hearing throughout the entire hearing block. 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 Tenant did not pay the total rent they were required to pay for the period from December 1, 2022 to March 31, 2023.
2. The lawful rent is \$2,456.86. It is due on the 1st day of each month.
3. The Tenant has not made any payments since the application was filed.
4. The Tenant is no longer in possession of the rental unit. The tenancy was not lawfully terminated in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. The Tenant gave the Landlord a NT on January 8, 2023. The Landlord did not consent to the short Notice of Termination. Therefore, the Tenant's obligation to pay rent ends on March 31, 2023.
5. The Landlord was unable to re-rent the rental unit as of March 1, 2023.
6. The rent arrears and daily compensation owing to March 31, 2023 are \$4,935.67
7. The Landlord collected a rent deposit of \$2,350 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 is terminated.



8. Interest on the rent deposit, in the amount of \$38 is owing to the Tenant for the period from March 31, 2023.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$2,733.97. This amount includes rent arrears owing up to March 31, 2023 and the cost of the application minus the {rent abatement or rebate/rent deposit and interest owing}.
2. If the Tenant does not pay the Landlord the full amount owing on or before July 16, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 17, 2023 at 6.00% annually on the balance outstanding.

July 5, 2023
Date Issued

Jana Rozehnal
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.