



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

**Citation:** D Cubed Enterprises v Prevost, 2024 ONLTB 30489

**Date:** 2024-05-24

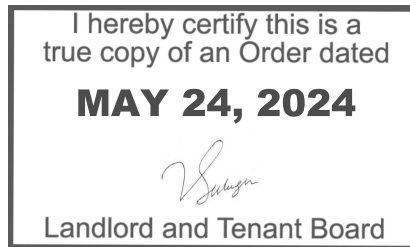
**File Number:** LTB-L-088159-23

**In the matter of:** 4, 595 KING ST  
WELLAND ON L3B3L3

**Between:** D Cubed Enterprises

**And**

Lise Prevost



Landlord

Tenant

D Cubed Enterprises (the 'Landlord') applied for an order to terminate the tenancy and evict Lise Prevost (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 2, 2024.

Only the Landlord's representative, Elena Grigorieva, attended the hearing.

As of 2:44 p.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 November 30, 2023.
4. The Landlord's representative requested that the arrears be calculated up to January 31, 2024, because the Tenant did not provide at least 60 days' notice before they vacated.
5. The LTB's Interpretation Guideline 11: Rent Arrears explains the LTB's approach when a landlord files an L1 application and the tenant vacates the rental unit after the application is filed, but before the hearing date. Although the guideline is not binding on me, I find it persuasive, and I choose to follow it. The guideline explains:

In some cases, the evidence may establish that the tenant moved out of the rental unit after the L1 Application was filed, but before the hearing date. In that case, the LTB's order will generally include a determination that the tenancy ended on the

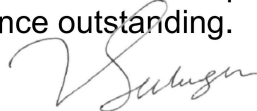
date the tenant moved out. Further, the order will generally: (1) end the tenancy effective the date the tenant moved out of the rental unit without ordering enforcement through the Court Enforcement Office (Sheriff); and (2) require the tenant to pay rent arrears ending on the date the tenancy ended.

6. Therefore, the arrears are calculated up to the date the Tenant vacated the unit.
7. The lawful rent is \$1,100.00. It was due on the 1st day of each month.
8. The Tenant has paid \$350.00 to the Landlord since the application was filed.
9. The rent arrears owing to November 30, 2023 are \$2,820.00.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlord collected a rent deposit of \$1,100.00 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.
12. Interest on the rent deposit, in the amount of \$18.46 is owing to the Tenant for the period from March 31, 2023 to November 30, 2023.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of November 30, 2023, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$1,887.54. 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. 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.
3. If the Tenant does not pay the Landlord the full amount owing on or before June 4, 2024, the Tenant will start to owe interest. This will be simple interest calculated from June 5, 2024 at 7.00% annually on the balance outstanding.

**May 24, 2024**  
**Date Issued**



---

Vinuri Sivalingam  
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	\$3,170.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$350.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,100.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$18.46
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$1,887.54</b>