



**Order under Section 87
Residential Tenancies Act, 2006**

File Number: LTB-L-003258-25

In the matter of: 25 Windemere Avenue N
Thunder Bay ON P7A6A9

Between: Legacy Property & Rental Management Landlord

And

Jena Johnston Former Tenant

Legacy Property & Rental Management (the 'Landlord') applied for an order requiring Jena Johnston (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on July 28, 2025.

Only the Landlord's agent, Marco Cupelli, attended the hearing.

As of 10:01am, the Former Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Landlord. 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. As explained below, the Landlord proved the allegations contained in the application on a balance of probabilities.
2. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's Rules of Procedure.
3. These documents were served on March 17, 2025 by email.
4. The Former Tenant vacated the rental unit on January 21, 2025.
5. The application was filed within one year after the Former Tenant ceased to be in possession of the rental unit.

Rent and daily compensation owing

6. The lawful rent was \$2,357.50. It was due on the 1st day of each month.
7. Based on the Monthly rent, the daily rent/compensation is \$77.51. This amount is calculated as follows: $\$2,357.50 \times 12$, divided by 365 days.
8. The Former Tenant has not made any payments since the application was filed.
9. The tenancy ended on January 21, 2025 as a result of the Former Tenant moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Former Tenant's obligation to pay rent ended on that date.
10. The Former Tenant had previously given a Tenant's Notice to Terminate Tenancy (Form N9) on December 10, 2024 with a termination date of January 31, 2025. After the Landlord served a Notice to End a Tenancy Early for Non-payment of Rent (Form N4) on or about December 31, 2024, the Former Tenant moved out on January 21, 2025, before the termination date set out in the N9. In these circumstances, I treat January 21, 2025 as the date the tenancy ended and the date to which rent and compensation are payable.
11. The rent arrears and daily compensation owing to January 21, 2025 are \$3,898.24.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
13. The Landlord collected a rent deposit of \$2,300.00 from the Former Tenant and this deposit is still being held by the Landlord. The amount of the rent deposit is applied to the amount the Tenant is required to pay.

It is ordered that:

1. The Former Tenant shall pay to the Landlord \$3,898.24, which represents rent and compensation owing up to January 21, 2025.
2. The Former Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
3. The Landlord owes \$2,300.00 which is the amount of the rent deposit and this is deducted from the amount owing by the Former Tenant.
4. The total amount the Former Tenant owes the Landlord is \$1,784.24*. See Schedule 1 for the calculation of the amount owing.
5. If the Former Tenant does not pay the Landlord the full amount owing on or before January 16, 2026, the Former Tenant will start to owe interest. This will be simple interest calculated from January 17, 2026 at 4.00% annually on the balance outstanding.

January 5, 2026
Date Issued

Colin Elsby
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.

* Refer to the attached Summary of Calculations.

Schedule 1
SUMMARY OF CALCULATIONS

Amount the Former Tenant must pay the Landlord:

Rent and Compensation Owing To January 21, 2025	\$3,898.24
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,300.00
Total amount owing to the Landlord	\$1,784.24