



Order under Section 69 Residential Tenancies Act, 2006

Citation: 37 LINCOLN INC. C/O RISE PROPERTY SOLUTIONS v Boswell, 2026 ONLTB 36573

Date: 2026-05-06

File Number: LTB-L-016336-26

In the matter of: 109, 37 LINCOLN ST
WELLAND ON L3C5H9

Between: 37 LINCOLN INC. C/O RISE PROPERTY
SOLUTIONS

Landlord

And

Ricardo Ewart Boswell
Orlena Dunn

Tenant

37 LINCOLN INC. C/O RISE PROPERTY SOLUTIONS (the 'Landlord') applied for an order to terminate the tenancy and evict Ricardo Ewart Boswell and Orlena Dunn (the 'Tenant') because:

- the Tenant did not pay the rent that the Tenant owes (L1 Application); and
- the Tenant has been persistently late in paying the Tenant's rent; (L2 Application).

This application was heard by videoconference on May 4, 2026.

The Landlord and the Tenant attended the hearing.

Only the Landlord's Agent, Alysia Hyde, attended the hearing.

As of 9:40 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.

During the hearing it was discovered that rent arrears claimed in the application claimed by the Landlord were listed as \$79.11 higher than the amount the Tenant actually owed in error. On this basis I found it appropriate to amend the application to reduce the rent arrears the Landlord was seeking to \$1,942.15 as of the filing date. I find given this is a reduction in the liability of the Tenant, it does not prejudice the Tenant to permit this amendment in the Tenant's absence.

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 April 6, 2026. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$1,491.30. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to April 6, 2026 are \$3,696.96.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,491.30 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.
9. Interest on the rent deposit, in the amount of \$0.51 is owing to the Tenant for the period from April 1, 2026 to April 6, 2026.
10. As the Tenant vacated the rental unit prior to the hearing, the Landlord's L2 application is moot.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 6, 2026, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$2,391.15. 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 May 17, 2026, the Tenant will start to owe interest. This will be simple interest calculated from May 18, 2026 at 4.00% annually on the balance outstanding.

May 6, 2026
Date Issued

Benjamin Seigel
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.

Schedule 1
SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$3,696.96
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,491.30
Less the amount of the interest on the last month's rent deposit	- \$0.51
Total amount owing to the Landlord	\$2,391.15