



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

File Number: LTB-L-015957-26

In the matter of: 27 PARKVIEW HTS
TRENTON ON K8V5M1

Between: Safa Yilmaz Boybey Landlord

And

Stephanie E CHAMBERLAIN Tenant
David W J CHAMBERLAIN

Safa Yilmaz Boybey (the 'Landlord') applied for an order to terminate the tenancy and evict Stephanie E CHAMBERLAIN and David W J CHAMBERLAIN (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 30, 2026.

The Landlord and the Tenant attended the hearing.

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 26, 2026. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,700.00. It was due on the 1st day of each month, which is not disputed.
5. The Tenant has paid \$2,300.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 26, 2026, are \$5,808.02, which the Tenant disputes as the Tenant claims they made payments which are not reflected on the Landlord's claim.
7. While I can appreciate there is another agreement in place between the Landlord and the Tenant in relation to a separate basement unit, there was nothing before me from the

Tennat to support the breakdown of any payments to the Landlord to explain what amount was to be applied towards rent and the additional agreement made.

8. In *Mauti v. Gibbs*, 2019 ONSC 3355 (CanLII), the Divisional Court held at paragraph 27 that while the landlord bears the burden of proof in a rent arrears application, it is difficult for a landlord to prove a negative (ie: non-payment of rent). Therefore, "...while the ultimate persuasive burden never shifts, once a landlord denies receiving funds, the tenant will have an evidentiary burden or a chance to advance some evidence to positively prove that he or she paid rent".
9. The Tenant did not provide any proof of payments made to the Landlord that are not accounted for in the application. On the other hand, the Landlord's evidence regarding the amount owing was clear and concise. Therefore, I find the arrears owing to April 26, 2026, are \$5,808.02.
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 \$2,700.00 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 \$95.15 is owing to the Tenant for the period from October 31, 2024 to April 26, 2026.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 26, 2026, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$3,198.87. 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 15, 2026, the Tenant will start to owe interest. This will be simple interest calculated from June 16, 2026 at 4.00% annually on the balance outstanding.

June 4, 2026
Date Issued

Samantha Greaves
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	\$8,108.02
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,300.00
Less the amount of the last month's rent deposit	- \$2,700.00
Less the amount of the interest on the last month's rent deposit	- \$95.15
Total amount owing to the Landlord	\$3,198.87