



**Sep 28, 2023**

Landlord and Tenant Board

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

**Citation:** Tratnik v French, 2023 ONLTB 65230

**Date:** 2023-09-28

**File Number:** LTB-L-032258-23

**In the matter of:** 2285 DURHAM RD 13  
SUNDERLAND ON L0C1H0

**Between:** Erich Tratnik and Mitchell Tratnik Landlord

**And**

William French Tenant

Erich Tratnik and Mitchell Tratnik (the 'Landlord') applied for an order requiring William French (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on August 28, 2023.

The Landlord and the Tenant attended the hearing, along with the Landlord's Representative Denise Ranger.

**Determinations:**

1. The Tenant did not pay the total rent they were required to pay for the period from July 1, 2020 to June 29, 2023.
2. The lawful rent is \$2,200.00. 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 tenancy ended on **29 June, 2023** as a result of the Tenant moving out in accordance with an LTB order, dated July 7, 2023. Therefore, the Tenant's obligation to pay rent also ended on that date.
5. The Landlord provided a ledger.
6. The total amount of arrears owing to June 29, 2023, was \$32,707.10, after deducting payments the Tenant had made, early in the lease, and the amount of arrears the Landlord had waived, as per the Order of the LTB dated July 7, 2023, LTB-L-081980-22, in the amount of \$35,440. The Landlord also paid the Tenant interest on the LMR in the amount of \$92.10 to June 29, 2023.
7. The rent arrears, daily compensation owing to June 29, 2023 are therefore \$32,707.10.
8. The Landlord collected a rent deposit of \$2,200.00 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 is terminated.



9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Tenant filed s. 82 issues, on August 22, 2023, with the LTB, 6 days before the hearing, but did not serve the Landlord, 7 days prior to the hearing, as he was required to do, pursuant to Rule 19.4 of the LTB Rules. In fact, though he did file his s. 82 issues with the LTB, he did not serve the Landlord at all with his s. 82 claim.
11. I must also consider the Tenant's explanation for not doing so. He claims he was in a car accident and therefore did not comply with the Rule. He filed no evidence about the accident. He raised no health issues at the hearing. Moreover, he was able to file with the LTB his s. 82 issues, 6 days before the hearing.
12. I see no reason why he could not comply with the 7 day rule to give the Landlord advance notice of his s. 82 issues.
13. Moreover, the Tenant disclosed that he did speak with TDC about how he could proceed with these issues in a separate application.
14. I will therefore not address his. S. 82 claim.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$30,693.10. This amount includes rent arrears owing up to June 29, 2023, and the cost of the application minus the rent deposit.
2. If the Tenant does not pay the Landlord the full amount owing on or before October 9, 2023, the Tenant will start to owe interest. This will be simple interest calculated from October 10, 2023 at 7.00% annually on the balance outstanding.

**September 28, 2023**  
**Date Issued**

*James W. Campbell*  
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James Campbell  
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor  
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.