



Order under Section 69
Residential Tenancies Act, 2006

File Number: NOL-39861-20

In the matter of: FRONT, 1450 KELLY LAKE ROAD
SUDBURY ON P3E4L9

Between: Paul Bortolotto Landlord

and

Cher Prince Tenants
Nick Demetroff

Paul Bortolotto (the 'Landlord') applied for an order to terminate the tenancy and evict Nick Demetroff and Cher Prince (the 'Tenants') because

- a) the Tenants did not pay the rent that the Tenants owe.
- b) they have been persistently late in paying their rent.
- c) The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.

This application was heard via video/teleconference on March 4, 2021.

Only the Landlord's Representative Angie Gravelle attended the hearing. As of 10:30 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Landlord filed a L1 application on February 21, 2020 because the Tenants had not paid the total rent the Tenants were required to pay for the period from November 1, 2019 to February 29, 2020.
2. The Landlord advised that the Tenants vacated the rental unit on July 31, 2020 and amends the application for an order for rent arrears owing only. No testimony or details were submitted as to the reason why the Tenants vacated the rental unit.
3. The monthly lawful rent is \$1,495.00.
4. The Tenants were in possession of the rental unit on the date the application was filed.
5. The Tenants paid \$6,500.00 after the application was filed.
6. The Landlord collected a rent deposit of \$1,495.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenant for the period from May 1, 2019 to July 31, 2020.

7. The Landlord submitted a L1.L9 Information Update form documenting the total amount of rent arrears owing by the Tenants to the Landlord for the period ending July 31, 2020 is \$4,955.00.
8. Based on the Landlord's uncontested evidence, I am satisfied on a balance of probabilities that as of the hearing date, that the Tenants owe to the Landlord up to the period ending July 31, 2020, rent arrears of \$4,955.00, and the Landlords' application cost of \$190.00, totalling \$5,145.00.
9. The Landlord's Representative testified in respect to the impact of COVID-19 on the parties and the Landlord's efforts to negotiate a repayment plan with the Tenants.

It is ordered that:

1. The Landlord's L2 application to the end the tenancy is moot and dismissed.
2. The tenancy between the Landlord and the Tenants was terminated on July 31, 2020, the date the Tenants moved out of the rental unit.
3. The Tenants shall pay to the Landlord \$3,418.82* the total amount of rent arrears owing up to July 31, 2020.
4. The Tenants shall also pay to the Landlord \$190.00 for the cost of filing the application.
5. The Tenants shall pay **\$3,608.82*** the total amount owing to the Landlord.
6. If the Tenants do not pay the Landlord the full amount owing* on or before March 29, 2021, the Tenants will start to owe interest. This will be simple interest calculated from March 30, 2021 at 2.00% annually on the balance outstanding.
7. The Landlord has the right, at any time to collect from the Tenants the full amount owing or any balance outstanding under this order



Randy Aulbrook
Member, Landlord and Tenant Board

March 18, 2021
Date Issued

Northern-RO
199 Larch Street, Provincial Building, Suite 301
Sudbury ON P3E5P9

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**

File Number: NOL-39861-20

A. Amount the Tenants must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	November 1, 2019 to July 31, 2020	\$11,455.00
Less the amount the Tenants paid to the Landlord		-\$6,500.00
Less the rent deposit:		-\$1,495.00
Less the interest owing on the rent deposit:	May 2, 2019 to July 31, 2020	-\$41.18
Amount owing to the Landlord on the order date: (total of previous boxes)		\$3,418.82
Additional costs the Tenants must pay to the Landlord:		\$190.00
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$3,608.82

2021 CanLII 80275 (ON LTB)