



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

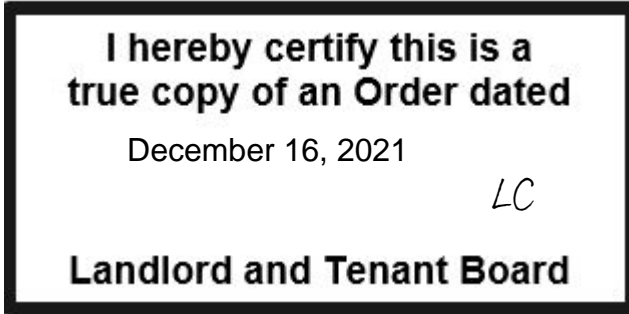
File Number: SWL-54067-21

In the matter of: LOWER LEVEL RIGHT, 1226 NOTTINGHAM DRIVE
SARNIA ON N7S5B9

Between: Mitch Dudman

and

Brandon Roth



Landlord

Tenant

Mitch Dudman (the 'Landlord') applied for an order requiring Brandon Roth (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by video conference on December 2, 2021. The Landlord, the Landlord's Legal Representative, John Edlund, and the Tenant attended the hearing. The Tenant spoke with Tenant Duty Counsel prior to the hearing.

Determinations:

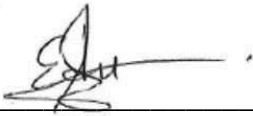
1. The Tenant did not pay the total rent the Tenant was required to pay for the period from April 1, 2021 to July 31, 2021.
2. The Tenant vacated the rental unit on July 31, 2021.
3. The lawful monthly rent was \$700.00.
4. The Tenant has made no payments since the application was filed.
5. The Tenant argued that he vacated the rental unit at 7:32p.m prior to the filing of the Landlord's application. The Landlord testified that the application was filed at 11:29 p.m. The Board's records show the application was filed on July 31, 2021. Given the Landlord's evidence that he was at the residential complex on that date and the Tenant returned the keys and drove off at 11:56 p.m., I am satisfied that the Tenant was in possession of the rental unit on the date and time the application was filed.
6. The rent arrears owing to July 31, 2021 are \$2,800.00. The Tenant also owes the Landlord \$201.00 for the cost of filing the application.
7. The Landlord collected a rent deposit of \$700.00 from the Tenant. This deposit is still being held by the Landlord and will be offset against the amount owing.
8. Interest on the rent deposit of \$6.50 is owing to the Tenant for the period from July 31, 2020 to December 31, 2020.

It is ordered that:

1. The tenancy is terminated as of July 31, 2021.
2. The Tenant shall pay to the Landlord \$2,093.50, which represents the amount of rent owing up to July 31, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$201.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before March 16, 2022, the Tenant will start to owe interest. This will be simple interest calculated from March 17, 2022 at 2.00% annually on the balance outstanding.

December 16, 2021
Date Issued

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6



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Member, Landlord and Tenant Board

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