



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

Citation: 8668728 Canada Inc v Rapley, 2024 ONLTB 17842

Date: 2024-04-11

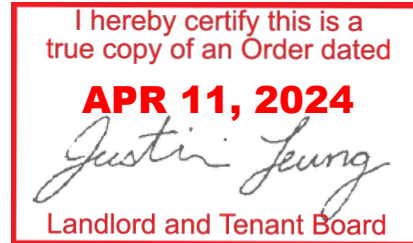
File Number: LTB-L-082928-23

In the matter of: 2, 846 ROSS AVE
SARNIA ON N7T7P5

Between: 8668728 Canada Inc

And

Gary Rapley
Samantha Fountain



Landlord

Tenants

8668728 Canada Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Gary Rapley and Samantha Fountain (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 29, 2024.

Only the Landlord, Jayesh Rathod on behalf of 8668728 Canada Inc, and the Landlord's legal Representative, Samantha Greaves, attended the hearing.

As of 2:43 pm, the Tenants 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.

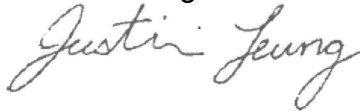
Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. I am satisfied, based on the Landlord's uncontested evidence, that the Tenants vacated the rental unit on February 2, 2024. The Landlord testified that the neighbour had told him the Tenants had moved out. The Landlord then inspected the unit and found keys on the counter, and the Tenants personal belongings had been removed. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,932.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to February 2, 2024 are \$7,855.04.

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 \$1,932.00 from the Tenants 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 \$27.45 is owing to the Tenants for the period from June 9, 2023 to February 2, 2024.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of February 2, 2024, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$6,081.59. This amount includes rent arrears owing up to the date the Tenants 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 Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before April 22, 2024, the Tenants will start to owe interest. This will be simple interest calculated from April 23, 2024 at 7.00% annually on the balance outstanding.



Justin Leung
Member, Landlord and Tenant Board

April 11, 2024
Date Issued

15 Grosvenor St, 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 Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$7,855.04
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,932.00
Less the amount of the interest on the last month's rent deposit	- \$27.45
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlord	\$6,081.59