



Order under Section 135
Residential Tenancies Act, 2006

File Number: SWT-43383-20

In the matter of: UPPER, 132 TILLSON AVENUE
TILLSONBURG ON N4G3A5

Between: Andrew Sainz Tenants
Priya Jayaprakash

and

Abe Martens Landlords
Sue Martens

Andrew Sainz and Priya Jayaprakash (the 'Tenants') applied for an order determining that Abe Martens and Sue Martens (the 'Landlords') have collected or retained money illegally.

This application was heard by videoconference on October 1, 2020. The Landlord, Abe Martens and the Tenants attended the hearing.

Determinations:

1. It is the evidence before me that the Tenants moved into the rental unit on September 1, 2018 and vacated on January 4, 2020. At the beginning of the tenancy the Landlords collected a first and last months' rents in the amount of \$1,200.00 (\$600.00 last month's rent, \$600.00 first month's rent). No interest has been paid on the deposit by the Landlord.
2. Section 106(6) of the Residential Tenancies Act, 2006 (the 'Act') requires "A landlord of a rental unit shall pay interest to the tenant annually on the amount of the rent deposit at a rate equal to the guideline determined under section 120 that is in effect at the time payment becomes due."
3. The interest rates are as follows: 2018-1.8%; 2019-1.8%. No interest is due for January 2020.
4. The Tenants indicate they paid rent for their last month of January 2020, but the Landlord returned this to them.
5. The Landlord is of the opinion that he returned the January rent paid, and used the deposit to cover the rent for January.

6. The Tenants stayed four days in January, 2020, therefore rent was owing for January, 2020. There is no requirement in the *Act* for the Landlord to pro-rate the rent when Tenants stay for part of the month.
7. No rental deposit is due the Tenants.
8. Interest is due on the deposit for the period ending December 31, 2019.

It is ordered that:

1. The Landlords shall pay to the Tenants the sum of \$14.40. This amount represents the interest owing for the last month's rent deposit.
2. The Landlords shall also pay to the Tenants \$50.00 for the cost of filing the application.
3. The total amount the Landlords owe to the Tenants is \$64.40.
4. If the Landlords do not pay the Tenants the full amount owing by June 22, 2021, the Landlords will owe interest. This will be simple interest calculated from June 23, 2021 at 2.00% annually on the outstanding balance.
5. The Tenants have the right, at any time, to collect the full amount owing or any balance outstanding under this order.

June 11, 2021
Date Issued



Dawn King
Member, Landlord and Tenant Board

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