



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

**Citation:** Metcap Living Management Inc v Leon, 2023 ONLTB 14975

**Date:** 2023-01-13

**File Number:** LTB-L-023910-22

**In the matter of:** 311, 35 JANSUSIE RD ETOBICOKE  
ON M9W4V4

**Between:** Metcap Living Management Inc Landlord

**And**

Diego Brown Tenants  
Mitze Leon

Metcap Living Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Diego Brown and Mitze Leon (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on January 4, 2023.

The Landlord's Legal Representative, Emma Bennet, attended the hearing

As of 10:20 a.m., the Tenants were 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. The Tenants vacated the rental unit on June 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,879.00. It was due on the 1st day of each month.

5. The Tenants have paid \$1,883.64 to the Landlord since the application was filed.
6. The rent arrears owing to June 30, 2022 are \$4,282.36.
7. The Landlord is entitled to \$40.00 to reimburse the Landlord for administration charges and \$14.00 for bank fees the Landlord incurred as a result of 2 cheques given by or on behalf of the Tenant which were returned NSF.

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8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,879.00 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 terminated.
10. Interest on the rent deposit, in the amount of \$22.55 is owing to the Tenant for the period from July 1, 2021 to June 30, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of June 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$2,620.81. 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 and unpaid NSF charges. 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 January 24, 2023, the Tenants will start to owe interest. This will be simple interest calculated from January 25, 2023 at 2.00% annually on the balance outstanding.

**January 13, 2023**  
**Date Issued**

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Susan Priest  
Member, Landlord and Tenant Board

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 Tenant must pay as the tenancy is terminated**

Rent Owing to Move Out Date	\$6,166.00
Application Filing Fee	\$186.00
NSF Charges	\$54.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$1,883.64
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,879.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$22.55
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$2,620.81</b>