



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

Citation: Tambur v Dean, 2024 ONLTB 34397

Date: 2024-05-15

File Number: LTB-L-038696-23

In the matter of: 3-341 Victoria Street North
Kitchener, ON N2H 5E3

Between: Ann Tambur
Peter Cressman

And

Bradley Dean

I hereby certify this is a
true copy of an Order dated
MAY 15 2024
Landlord and Tenant Board

Landlords

Tenant

Ann Tambur and Peter Cressman (the 'Landlords') applied for an order to terminate the tenancy and evict Bradley Dean (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

Further, the Landlords applied for an order to terminate the tenancy and evict Bradley Dean (the 'Tenant') because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises.

This application was heard by videoconference on April 3, 2024.

Only the Landlord Ann Tambur attended the hearing.

As of 9:48 am, the Tenant 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:

L1 Application

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on July 15, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$648.63. It was due on the 1st day of each month.

5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to July 15, 2023 are \$2,265.69.
7. The Landlords incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$600.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$37.25 is owing to the Tenant for the period from June 1, 2019 to July 15, 2023.


L2 Application

10. As the Tenant had vacated the unit, the Landlords requested that the L2 application be withdrawn, and I accepted that request.

It is ordered that:

1. The Landlords' L2 application is withdrawn.
2. The tenancy between the Landlords and the Tenant is terminated as of July 15, 2023, the date the Tenant moved out of the rental unit.
3. The Tenant shall pay to the Landlords \$1,829.44. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlords owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
4. If the Tenant does not pay the Landlords the full amount owing on or before May 26, 2024, the Tenant will start to owe interest. This will be simple interest calculated from May 27, 2024 at 7.00% annually on the balance outstanding.

May 15, 2024
Date Issued



Jagger Benham
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	\$2,265.69
Application Filing Fee	\$201.00
Less the amount of the last month's rent deposit	- \$600.00
Less the amount of the interest on the last month's rent deposit	- \$37.25
Total amount owing to the Landlords	\$1,829.44