



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-95561-21

In the matter of: 210, 47 VILLAGE DRIVE
KINGSTON ON K7K6K6

Between: Skyline Living Landlord

and

Zackery Ruttan Tenant

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Zackery Ruttan (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed administration charges related to NSF cheques.

This application was heard vis video/teleconference on August 10, 2021.

Only the Landlord's Agent Bradley Casnaw attended the hearing. As of 10:04** a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Preliminary Matter:

The Landlord's Representative advised that the Tenant vacated the rental unit on July 29, 2021 and requested an order for rent arrears owing only.

Determinations:

1. The Landlord served a Notice of Termination because the Tenant had not paid the total rent that was required to be paid from February 1, 2021 to July 31, 2021.
2. The Tenant was in possession of the rental unit on the date the application was filed by the Landlord with the Board.
3. The monthly rent is \$1,769.39.
4. The Landlord collected a rent deposit of \$1,769.39 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenant for the period from October 2, 2020.
5. The Landlord's Representative submitted a L1.L9 Information Update form documenting the Tenant has not paid any rent to the Landlord after the application was filed with the Board, and the total amount of rent arrears owing by the Tenant to the Landlord for the period ending July 31, 2021 was \$10,516.34.
6. The Tenant did not attend the hearing to make submissions.

7. Based on the Landlord's uncontested evidence, I am satisfied on a balance of probabilities that as of the hearing date, that the Tenant owes to the Landlord up to the period ending July 31, 2021, rent arrears of \$10,516.34, plus the Landlords' application cost of \$186.00, totalling \$10,702.34.
8. The Landlord's L1 application is amended to a L9 application for an order for rent arrears owing only.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated July 29, 2021 the date the Tenant must move out of the rental unit.
2. The Tenant shall pay to the Landlord \$5,206.73*, which represents the amount of rent owing and compensation up to July 29, 2021 less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing* on or before September 30, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 1, 2021 at 2.00% annually on the balance outstanding.
5. If the Tenant does not pay the Landlord the full amount owing* on or before October 1, 2021, the Landlord shall have the right, at any time thereafter to collect from the Tenant the full amount owing or any balance outstanding as a result of this order



September 21, 2021

Date Issued

Randy Aulbrook

Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

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**

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A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	February 1, 2021 to July 29, 2021	\$6,977.56
Less the rent deposit:		-\$1,769.39
Less the interest owing on the rent deposit:	October 2, 2020 to July 29, 2021	-\$1.44
Amount owing to the Landlord on the order date:(total of previous boxes)		\$5,206.73
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$5,392.73

2021 CanLII 124101 (ON LTB)