



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

**In the matter of:** 2, 62 DIVISION ST  
ST. CATHARINES ON L2R3G6

**Between:** Evan Ungar Landlord

**and**

Brandon Price Tenant

Evan Ungar (the 'Landlord') applied for an order to terminate the tenancy and evict Brandon Price (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. (L1 application)

The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant has been persistently late in paying their rent. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date. (L2 application)

This application was heard by videoconference on August 11, 2021.

The Landlord and the Landlord's Legal Representative, Edwin Alexander attended the hearing. As of 9:46 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

**Determinations:**

1. At the hearing, the Landlord's Legal Representative requested the consent of the Board to withdraw their L2 application as the Tenants had vacated the rental unit.
2. Pursuant to s. 200(4) of the *Residential Tenancies Act, 2006*, S.O., 2006 c.17, the Board consents to the withdrawal of the L2 application.
3. With respect to the L1 application, the Tenant has not paid the total rent the Tenant was required to pay for the period from February 1, 2021 to August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective March 14, 2021.
4. The Landlord collected a rent deposit of \$1,000.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from September 1, 2019 to March 14, 2021.

6. The Landlord testified that he received an email from the Tenant advising that he “has gone”, therefore he gave notice to do an inspection on August 10, 2021, at which time he found the unit vacant.
7. I find that the tenancy is terminated the August 10, 2021, the date the Landlord did the unit inspection and confirmed the unit had been vacated.
8. This order contains all the reasons for the decision within it. No further reasons shall be issued.

**It is ordered that:**

1. The tenancy is terminated August 10, 2021.
2. The Tenant shall pay to the Landlord \$5,336.79\*, which represents the amount of rent owing and compensation up to August 10, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$201.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing\* on or before October 1, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 2, 2021 at 2.00% annually on the balance outstanding.

**September 21, 2021**

**Date Issued**



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Diane Wade

Member, Landlord and Tenant Board

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

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

\* Refer to section A on the attached Summary of Calculations.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	February 1, 2021 to March 14, 2021	\$1,460.27
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 15, 2021 to August 10, 2021	\$4,899.12
Less the rent deposit:		-\$1,000.00
Less the interest owing on the rent deposit:	September 1, 2019 to March 14, 2021	-\$22.60
<b>Amount owing to the Landlord on the order date:(total of previous boxes)</b>		<b>\$5,336.79</b>
Additional costs the Tenant must pay to the Landlord:		\$201.00
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$5,537.79</b>

2021 CanLII 125834 (ON LTB)