



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

**Citation:** Lildhar v Walters, 2023 ONLTB 15109

**Date:** 2023-01-11

**File Number:** LTB-L-009915-22

**In the matter of:** 28 ARGYLE CRES  
Brampton ON L6T1N1

**Between:** Rebecca Lildhar and Vishram Lildhar Landlord

**And**

Anthony Walters and Kerone Murdock Walters Tenant

Rebecca Lildhar and Vishram Lildhar (the 'Landlord') applied for an order to terminate the tenancy and evict Anthony Walters and Kerone Murdock Walters (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant caused damage to the unit in the form of unpaid water and waste utility bills.

This application was heard by videoconference on January 9, 2023.

Only the Landlord attended the hearing.

**Determinations:**

1. The Landlord indicated at the outset of the hearing that the Tenant had vacated the unit as of March 31, 2022. The Landlord no longer sought termination of the tenancy but sought an order for payment of rent owing and for compensation for unpaid water and waste bills.
2. The N5 notice of termination did not properly identify the claim for unpaid water and waste bills as a substantial interference with the Landlord's interests but, rather, stated that the Tenant had wilfully or negligently damaged the unit. The details in this section of the notice stated that water and waste bills were unpaid. Further, the bills which were the subject of the notice, while filed with the Board, did not appear to have been attached to the N5 notice itself.
3. I find that the N5 notice of termination is defective as a basis for a claim for compensation for water and waste bills. The portion of the Landlord's application pertaining to compensation for water and waste bills must be dismissed.
4. The Landlord 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.
5. The Tenant was in possession of the rental unit on the date the application was filed.

6. The Tenant vacated the rental unit on March 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
7. The lawful rent is \$1,740.76. It was due on the 1st day of each month.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to March 31, 2022 are \$7,225.34.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlord collected a rent deposit of \$1,650.00 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.
12. Interest on the rent deposit, in the amount of \$83.41 is owing to the Tenant for the period from May 15, 2018 to March 31, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of March 31, 2022, the date the Tenant moved out of the rental unit
2. The portion of the Landlord's application pertaining to compensation for water and waste bills is dismissed.
3. The Tenant shall pay to the Landlord \$5,677.93. 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 Landlord 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 Landlord the full amount owing on or before January 22, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 23, 2023 at 5.00% annually on the balance outstanding.

**January 11, 2023**

**Date Issued**

\_\_\_\_\_  
Lynn Mitchell

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	\$7,225.34
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<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	- \$1,650.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$83.41
<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>\$5,677.93</b>

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