



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Trani v Lamarre Proulx, 2023 ONLTB 14800

**Date:** 2023-01-17

**File Number:** LTB-L-026064-22

**In the matter of:** 3, 54 Water street  
L'Orignal ON K0B1K0

**Between:** Clemente Viola Landlords  
Michele Trani

**And**

Jessyca Lamarre Proulx Tenants  
John Keddy

Clemente Viola and Michele Trani (the 'Landlords') applied for an order to terminate the tenancy and evict Jessyca Lamarre Proulx and John Keddy (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

The Landlords and the Tenant JLP attended the hearing.

**Determinations:**

1. The Landlords mailed the N4 notice to the Tenants on March 15, 2022. Documents served by mail are deemed to have been given five days later, in accordance with s.191(3) of the *Residential Tenancies Act, 2006* ("Act"). Therefore, the N4 notice is deemed served on March 20, 2022. The termination date on the notice is April 1, 2022.
2. As s.59(1) of the Act, al landlord must give tenants of a monthly tenancy at least 14 days notice of termination for an N4 notice. The Landlords in this case did not give the Tenants the required 14-day notice. Hence the notice is defective. The Landlords opted to claim only rent arrears from the Tenants under s.87 of the Act.
3. As of the hearing date, the Tenants were still in possession of the rental unit.
4. The lawful rent is \$810.00. It is due on the 1st day of each month.
5. Based on the Monthly rent, the daily rent/compensation is \$26.63. This amount is calculated as follows: \$810.00 x 12, divided by 365 days.
6. The Tenants have paid \$200.00 to the Landlords since the application was filed.
7. The rent arrears owing to January 31, 2023 are \$400.00.

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

**It is ordered that:**

1. The Tenants shall pay to the Landlord \$586.00. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before January 31, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 1, 2023 at 5.00% annually on the balance outstanding.

**January 17, 2023**

**Date Issued**

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Sheena Brar

Member, Landlord and Tenant Board

15 Grosvenor Street, 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.