



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

**Citation:** Azward v Smart, 2023 ONLTB 19839

**Date:** 2023-02-15

**File Number:** LTB-L-035925-22

**In the matter of:** 28 GARDEN DR  
BARRIE ON L4N6H8

**Between:** Alejandro Enamorado Landlord  
Sabith Azward

**And**

Christina Smart Tenants  
Christopher Harrod

Alejandro Enamorado and Sabith Azward (the 'Landlord') applied for an order to terminate the tenancy and evict Christina Smart and Christopher Harrod (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 2, 2023. The Landlords, the Tenants' Legal Representative, J. Ashe, and the Tenant, Christina Smart, attended the hearing

**Determinations:**

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on November 26, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$3,500.00.
5. The Tenants have paid \$14,000.00 to the Landlords since the application was filed.
6. The rent arrears owing to November 26, 2022 are \$7,680.84.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a key deposit of \$500.00 from the Tenants. This amount will be deducted from the total amount owed by the Tenants.
9. The Landlords collected a rent deposit of \$3,500.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.

10. Interest on the rent deposit, in the amount of \$54.54 is owing to the Tenants for the period from August 10, 2021 to November 26, 2022.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated as of November 26, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$4,312.30. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. The rent deposit, interest the Landlords owes on the rent deposit and the key deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlords the full amount owing on or before May 15, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 16, 2023 at 5.00% annually on the balance outstanding.

**February 15, 2023**

**Date Issued**

\_\_\_\_\_  
Jitewa Edu

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 Tenants must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$22,180.84
Application Filing Fee	\$186.00
<b>Less</b> the amount the Tenants paid to the Landlords since the application was filed	- \$14,000.00
<b>Less</b> the amount the Tenants paid for the key deposit	-\$500.00
<b>Less</b> the amount of the last month's rent deposit	- \$3,500.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$54.54
<b>Total amount owing to the Landlords</b>	<b>\$4,312.30</b>