



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

**Citation:** Medallion Corporation v Duguid, 2024 ONLTB 6944

**Date:** 2024-02-05

**File Number:** LTB-L-066071-23

**In the matter of:** 708, 561 Sherbourne Street  
Toronto Ontario M4X0A1

**Between:** Medallion Corporation Landlord

**And**

Jaci Duguid Tenants  
Michael Lang

Medallion Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Jaci Duguid and Michael Lang (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on December 21, 2023.

The Landlord and the Tenants attended the hearing

The Landlord's representative, Samuel M. Korman, the Landlord's Agent, Roisin Webb and the Tenants attended the hearing

**Determinations:**

Termination of the tenancy

1. The Tenants' testified that they terminated the tenancy by sending a N9 Tenant's Notice to end the Tenancy to the Landlord on June 26, 2023. They subsequently vacated the rental unit on August 31, 2023.
2. The Landlord's agent testified that the N9 was not received by the Landlord the first time the Landlord was made aware of the intent to vacate was via email communications with the Tenants on September 11, 2023.
3. The N4 notice of termination was served was served on the Tenants on July 10, 2024 by placing the notice under the door. The application was filed on August 8, 2023.
4. In this case, the Tenants moved out of the rental unit after the L1 Application was filed, but before the hearing date. I find that the Tenants vacated the rental unit in accordance with the Landlord's N4 notice. Specifically, in this case, the Board's order will generally include a

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determination that the tenancy ended on the date the tenant moved out, August 31, 2023 as it is in accordance with the Landlord's notice of termination.

Rent arrears determinations

11. The Landlord 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.
12. The Tenants were in possession of the rental unit on the date the application was filed.
13. The Tenants vacated the rental unit on August 31, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
14. The lawful rent is \$2,580.60. It was due on the 1st day of each month.
15. The Tenants have not made any payments since the application was filed.
16. The rent arrears owing to August 31, 2023 are \$4,362.01.
17. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
18. The Landlord collected a rent deposit of \$2,550.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
19. Interest on the rent deposit, in the amount of \$96.97 is owing to the Tenants for the period from August 17, 2021 to August 31, 2023.
20. The Landlord's representative agreed to provide the Tenants until June 2024 to pay the amount outstanding to the Landlord.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of August 31, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$1,916.04. 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 and interest the Landlord owes on the rent 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 Landlord the full amount owing on or before June 30, 2024, the Tenants will start to owe interest. This will be simple interest calculated from July 1, 2024 at 7.00% annually on the balance outstanding.

**February 5, 2024**  
**Date Issued**

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Camille Clyne  
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	\$4,362.01
Application Filing Fee	\$201.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,550.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$96.97
<b>Total amount owing to the Landlord</b>	<b>\$1,916.04</b>

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