



Order under Section 69 Residential Tenancies Act, 2006

Citation: C.Valeri Construction o/a Valery Properties v Ryan Bailey, 2023 ONLTB 46636

Date: 2023-06-30

File Number: LTB-L-012358-23

In the matter of: 903, 851 LAWRENCE RD
HAMILTON ON L8K6B9

Between: C.Valeri Construction o/a Valery Properties Landlord

And

Miranda Roche and Ryan Bailey Tenants

C.Valeri Construction o/a Valery Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Miranda Roche and Ryan Bailey (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 19, 2023. Only the Landlord's legal representative, Tina Novak, attended the hearing. As of 10:34 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment 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 June 12, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. As of February 1, 2023, the lawful monthly rent is \$1,845.00. It was due on the 1st day of each month.
5. The Tenants have paid \$400.00 to the Landlord since the application was filed.

6. The rent arrears owing to June 12, 2023 are \$8,108.42.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,800.00 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.
9. Interest on the rent deposit, in the amount of \$61.27 is owing to the Tenant for the period from February 1, 2022 to June 12, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of June 12, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$6,433.15. 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.
3. If the Tenant does not pay the Landlord the full amount owing on or before July 11, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 12, 2023 at 6.00% annually on the balance outstanding.

Date Issued
June 30, 2023

Dawn Sullivan
Vice Chair, 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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

Schedule 1 SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$8,508.42
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$400.00
Less the amount of the last month's rent deposit	- \$1,800.00
Less the amount of the interest on the last month's rent deposit	- \$61.27
Total amount owing to the Landlord	\$6,433.15