



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

**Citation:** Esther Proulx v Erica Currie, 2023 ONLTB 46300

**Date:** 2023-06-28

**File Number:** LTB-L-032715-22

**In the matter of:** 1, 719 Peel Street  
Woodstock ON N4S1L5

**Between:** Esther Proulx and Mathieu Proulx Landlords

**And**

Erica Currie Tenant

Esther Proulx and Mathieu Proulx (the 'Landlord') applied for an order to terminate the tenancy and evict Erica Currie (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. ('L1 application')

The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused undue damage to the premises. ('L2 application')

These applications were heard together by videoconference on June 22, 2023. The Landlords were represented at the hearing by Theresa Forrest. The Tenant was 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:**

*L1 Application*

1. 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.

3. The Tenant vacated the rental unit on March 31, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The rent arrears owing to March 31, 2023 are \$28,208.25.
5. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.

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6. The Landlords collected a rent deposit of \$2,200.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
7. Interest on the rent deposit, in the amount of \$58.92 is owing to the Tenant for the period from March 6, 2022, to March 31, 2023.

### *L2 Application*

8. Given the Tenant has vacated the rental unit, the L2 application is dismissed as moot.

### **It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated as of March 31, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlords \$26,135.33. 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 Landlords the full amount owing on or before July 9, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 10, 2023, at 6.00% annually on the balance outstanding.

**June 28, 2023**

**Date Issued**

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Bryan Delorenzi  
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	\$28,208.25
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,200.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$58.92
<b>Total amount owing to the Landlord</b>	<b>\$26,135.33</b>

2023 ONL TB 46300 (CanLII)