



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

Citation: Sean Anthony Monteith v Sergio Ferazzutti, 2023 ONLTB 46147

Date: 2023-06-23

File Number: LTB-L-037928-22

In the matter of: 3, 434 DUFFERIN AVE
LONDON ON N6B1Z6

Between: Sean Anthony Monteith Landlord

And

Sergio Ferazzutti Tenant

Sean Anthony Monteith (the 'Landlord') applied for an order to terminate the tenancy and evict Sergio Ferazzutti (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 16, 2023.

Only the Landlord's representative, David Ciobotaru attended the hearing. As of 9:30 a.m. the Tenant was not present or represented at the hearing although properly served with the notice of this hearing by the Board. As a result, the hearing proceeded with only the Landlord's evidence.

The Landlord's application was amended to correct a clerical error which identified the last rental period claimed on the application to end on July 31, 2022 instead of July 06, 2022 (the date the application was filed). While the Tenant was not present, I do not find the change was unfairly prejudicial as the arrears claimed remained the same.

Determinations:

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 September 9, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,150.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.

6. The rent arrears owing to September 9, 2022 are \$11,190.29.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord had collected a last month rent deposit however it had been applied to for a rental period prior to service of the N4 and filing of the application.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of September 9, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$11,376.29. 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. 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 4, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 5, 2023 at 6.00% annually on the balance outstanding.

June 23, 2023

Date Issued

Troy Rossignol

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.

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**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$11,190.29
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$11,376.29