



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

Citation: 2798819 Ontario Corporation v Dane Facey, 2023 ONLTB 46233

Date: 2023-06-22

File Number: LTB-L-030669-22

In the matter of: 6049 EAGLEWOOD DR
NIAGARA FALLS ON L2G0A7

Between: 2798819 Ontario Corporation Landlord

And

Dane Facey and Elizabeth Brasil Tenants

2798819 Ontario Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Dane Facey and Elizabeth Brasil (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

A de novo hearing of this application was conducted by videoconference on June 16, 2023.

Only the Landlord's agent, Thabo Subramaniam attended the hearing. As of 9:38 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.

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 7, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,600.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to June 7, 2022 are \$17,998.36.

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 \$2,600.00 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.

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9. Interest on the rent deposit, in the amount of \$42.06 is owing to the Tenants for the period from February 1, 2020 to June 7, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of June 7, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$15,542.30. 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 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 July 3, 2023, the Tenants will start to owe interest. This will be simple interest calculated from July 4, 2023 at 6.00% annually on the balance outstanding.

June 22, 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.

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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	\$17,998.36
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	- \$2,600.00
Less the amount of the interest on the last month's rent deposit	- \$42.06
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	\$15,542.30