



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

**Citation:** Barr v Duffy, 2023 ONLTB 44318

**Date:** 2023-06-21

**File Number:** LTB-L-043925-22

**In the matter of:** 537 CLARKE RD  
LONDON ON N5V2E1

**Between:** Kayla Barr Landlord

**And**

Elizabeth Duffy Tenants  
Jonathan Duffy  
Mackenna Duffy  
Rebecca Duffy

Kayla Barr (the 'Landlord') applied for an order to terminate the tenancy and evict Elizabeth Duffy, Jonathan Duffy, Mackenna Duffy and Rebecca Duffy (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. This is the L1 Application.

The Landlord also applied for an order to terminate the tenancy and evict the Tenants because the Landlord, in good faith, requires possession of the rental unit for their own personal use. This is the L2 Application.

This application was heard by videoconference on April 6, 2023.

The Landlord, and the Landlord's Legal Representative, Timothy Mobberley, attended the hearing

As of 9:56 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:**

L1 Application

1. 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.
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 August 15, 2022. Rent arrears are calculated up to the date the Tenant 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 paid \$1,300.00 to the Landlord since the application was filed.
6. The rent arrears owing to August 15, 2022 are \$15,582.20.
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.

L2 Application

9. As the Tenants have vacated the rental unit, the L2 application is moot.
10. The Landlord requested consent of the Board to withdraw their application.
11. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

**It is ordered that:**

**L1 Application:**

1. The tenancy between the Landlord and the Tenants is terminated as of August 15, 2022, the date the Tenant moved out of the rental unit
2. The Tenants shall pay to the Landlord \$13,168.20. 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. 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 2, 2023, the Tenants will start to owe interest. This will be simple interest calculated from July 3, 2023 at 6.00% annually on the balance outstanding.

**L2 Application:**

4. The Landlord's application is dismissed.

**June 21, 2023**

**Date Issued**

\_\_\_\_\_  
Susan Priest

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	\$16,882.20
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$1,300.00
<b>Less</b> the amount the Tenants paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,600.00
<b>Total amount owing to the Landlord</b>	<b>\$13,168.20</b>

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