Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

Order under Section 69
Residential Tenancies Act, 2006

Citation: Lake (WO.8) LP v Paris, 2023 ONLTB 45192
Date: 2023-06-20
File Number: LTB-L-003664-23

In the matter of: 7, 1578 Kelly Lake Road
Sudbury Ontario P3E4M1

Between: Kelly Lake (WO.8) LP Landlord

And

Marc Paris Tenant

Kelly Lake (WO.8) LP (the 'Landlord') applied for an order to terminate the tenancy and evict Marc Paris (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 30, 2023.

Only the Landlord's Agent, Paula Peroni, attended the hearing.

As of 10:42 am, 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:

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 February 27, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.

4. As of January 1, 2023, the monthly rent increased from $1300.00 to $1,332.50. Rent was due on the 1st day of each month.

5. The Tenant did not make any payments since the application was filed.

6. The rent arrears owing to February 27, 2023 are $10,692.77.

7. The Landlord incurred costs of $201.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord collected a rent deposit of $1,332.50 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 $5.29 is owing to the Tenant for the period from January 1, 2023 to February 27, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of February 27, 2023, the date the Tenant moved out of the rental unit

2. The Tenant shall pay to the Landlord $9,555.98. 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 1, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 2, 2023 at 6.00% annually on the balance outstanding.

June 20, 2023
Date Issued

_____
Alex Brkic
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.

*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. <u>**Amount the Tenant must pay as the tenancy is terminated**</u>

Rent Owing To Move Out Date	$10,692.77
Application Filing Fee	$201.00
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	- $1,332.50
Less the amount of the interest on the last month's rent deposit	- $5.29
Total amount owing to the Landlord	**$9,555.98**