



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

Citation: Pete Delafranier v Shawn Mohr, 2023 ONLTB 44276

Date: 2023-06-16

File Number: LTB-L-079289-22

In the matter of: 77 Nelson Street
Mitchell ON N0K1N0

Between: Patricia Wunder
Pete Delafranier
Landlords

And

Jody Mohr
Shawn Mohr
Tenants

Patricia Wunder and Pete Delafranier (the 'Landlord') applied for an order to terminate the tenancy and evict Jody Mohr and Shawn Mohr (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 8, 2023. Only the Landlords attended the hearing. As of 9:55 a.m., the Tenants were not present or represented at the hearing.

Determinations:

1. The Landlords 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 February 28, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent was \$1,400.00.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to February 28, 2023 are \$11,200.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$1,400.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$115.36 is owing to the Tenants for the period from September 1, 2017 to February 28, 2023.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of February 28, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$9,870.64. 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 Landlords 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 Landlords the full amount owing on or before July 16, 2023, the Tenants will start to owe interest. This will be simple interest calculated from July 17, 2023 at 6.00% annually on the balance outstanding.

June 16, 2023
Date Issued

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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	\$11,200.00
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,400.00
Less the amount of the interest on the last month's rent deposit	- \$115.36
Total amount owing to the Landlords	\$9,870.64