



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

**Citation:** 390 DUFFERIN GP INC. v Manuel Camara, 2023 ONLTB 43847

**Date:** 2023-06-13

**File Number:** LTB-L-081793-22

**In the matter of:** A414, 400 DUFFERIN ST TORONTO  
ON M6K0G2

**Between:** 390 DUFFERIN GP INC. Landlord

**And**

Devika Finn and Manuel Camara Tenants

390 DUFFERIN GP INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Devika Finn and Manuel Camara (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlord's representative, David Ciobotaru attended the hearing. As of 1:33 p.m. the Tenants were 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 March 31, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,425.00. It was due on the 1st day of each month.
5. The Tenant have not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2023 are \$9,700.00.
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 \$2,425.00 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 \$44.05 is owing to the Tenants for the period from January 1, 2022 to March 31, 2023.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of March 31, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$7,416.95. 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 June 24, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 25, 2023 at 6.00% annually on the balance outstanding.

**June 13, 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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$9,700.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,425.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$44.05
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$7,416.95</b>