



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

Citation: Michael J. Preston v Brenda Patterson, 2023 ONLTB 42762

Date: 2023-06-12

File Number: LTB-L-059311-22

In the matter of: 2, 55 MATCHEDASH ST N ORILLIA
ON L3V4T7

Between: Michael J. Preston Landlord

And

Brenda Patterson and Nicole Patterson Tenants

Michael J. Preston (the 'Landlord') applied for an order to terminate the tenancy and evict Brenda Patterson and Nicole Patterson (the 'Tenants') because the Tenant did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 25, 2023. The Landlord attended the hearing 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:

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 November 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The rent arrears owing to November 30, 2022, are \$5,674.40.
5. The Landlord collected a rent deposit of \$1,700.00 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.
6. Interest on the rent deposit, in the amount of \$19.62 is owing to the Tenant for the period from December 15, 2020, to November 30, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of November 30, 2022, the date the Tenant moved out of the rental unit

File Number: LTB-L-059311-22

2. The Tenant shall pay to the Landlord \$3,954.78. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit. 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 June 23, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 24, 2023, at 6.00% annually on the balance outstanding.

June 12, 2023

Date Issued

Bryan Delorenzi

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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$5,674.40
Less the amount of the last month's rent deposit	- \$1,700.00
Less the amount of the interest on the last month's rent deposit	- \$19.62
Total amount owing to the Landlord	\$3,954.78