



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

**Citation:** SIREG MANAGEMENT INC. v Maclachlan, 2023 ONLTB 38958

**Date:** 2023-05-31

**File Number:** LTB-L-065876-22

**In the matter of:** 504, 558 DURHAM STREET  
WOODSTOCK ON N4W1S4

**Between:** SIREG MANAGEMENT INC. Landlord

**and**

Dianne Maclachlan and Valeria Maclachlan Tenant

SIREG MANAGEMENT INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Dianne Maclachlan and Valeria Maclachlan (jointly referred to as the 'Tenant') because the Tenant did not pay the rent the Tenant owes.

This application was heard by videoconference on May 11, 2023.

The Landlord's Agent, Aamir Tahrik, attended the hearing.

As of 11:10 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB.

**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. Based on the uncontested evidence of the Landlord's Agent the Tenant emailed the Landlord he had moved out, I find the Tenant vacated the rental unit on December 1, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit; however, the Landlord did not claim rent for December 1, 2022 on their application or L1/L9 Update Information form and so waived any entitlement to rent for the date of December 1, 2022.
4. The lawful rent is \$1,108.14. It was due on the 1st day of each month.

5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to December 1, 2022, after subtracting the waiver of per diem rent for December 1, 2022, are \$7,460.12.

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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 \$1,108.14 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 has been paid on the rent deposit to December 1, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of December 1, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$6,537.98. 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 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 11, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 12, 2023 at 6.00% annually on the balance outstanding.

**May 31, 2023**

**Date Issued**

\_\_\_\_\_  
Rebecca Case

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.

**Schedule 1**  
**SUMMARY OF CALCULATIONS**

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

|  |                   |
|--|-------------------|
| Rent Owing To Move Out Date  | \$7,496.55        |
| 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                                | - \$1,108.14      |
| <b>Less</b> the amount of the interest on the last month's rent deposit                | - \$0.00          |
| <b>Less</b> the per diem rent for December 1, 2022 waived by the Landlord              | - \$36.43         |
| <b>Total amount owing to the Landlord</b>  | <b>\$6,537.98</b> |