



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

**Citation:** Donnelly v Lafrance, 2023 ONLTB 40043

**Date:** 2023-05-30

**File Number:** LTB-L-058903-22

**In the matter of:** 99 RIVERSIDE DR  
SUDBURY ON P3E1G7

**Between:** Jennifer Donnelly Landlord

**And**

Angela Poirier and Stephen Lafrance Tenants

Jennifer Donnelly (the 'Landlord') applied for an order to terminate the tenancy and evict Angela Poirier and Stephen Lafrance (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 13, 2023.

The Landlord and the Tenant S Lafrance attended the hearing

**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 January 5, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,750.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. After the application was filed, the Tenants received a credit of \$30.00 representing the key deposit that was credited to their account by the Landlord.
7. The rent arrears owing to January 5, 2023 are \$16,072.05.

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,750.00 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.
10. Interest on the rent deposit, in the amount of \$67.24 is owing to the Tenants for the period from January 14, 2022 to January 5, 2023.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of January 5, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$13,440.81. 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 10, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 11, 2023 at 6.00% annually on the balance outstanding.

**May 30, 2023**

**Date Issued**

\_\_\_\_\_  
Heather Kenny

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	\$16,102.05
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenants paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,750.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$67.24
<b>Less</b> the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenants are entitled to	- \$30.00
<b>Total amount owing to the Landlord</b>	<b>\$13,440.81</b>