



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

**Citation:** 375 Melvin Inc. v Assinewai, 2023 ONLTB 40478

**Date:** 2023-05-29

**File Number:** LTB-L-046341-22

**In the matter of:** 14, 375 MELVIN AVE  
HAMILTON ON L8H2K6

**Between:** 375 Melvin Inc. Landlord

**And**

Loretta Fox-assinewai and Shannon Assinewai Tenants

375 Melvin Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Loretta Fox-assinewai and Shannon Assinewai (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 14, 2023. The Landlord was represented at the hearing by Adam Hamdani. The Tenant was 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 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 Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on August 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The Tenants have not made any payments since the application was filed.
5. The rent arrears owing to August 31, 2022, are \$3,280.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord collected a rent deposit of \$1,640.00 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.
8. Interest on the rent deposit, in the amount of \$6.52 is owing to the Tenants for the period from May 3, 2022, to August 31, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of August 31, 2022, the date the Tenant moved out of the rental unit
2. The Tenants shall pay to the Landlord \$1,819.48. 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 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 9, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 10, 2023, at 6.00% annually on the balance outstanding.

**May 29, 2023**  
**Date Issued**

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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	\$3,280.00
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,640.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$6.52
<b>Total amount owing to the Landlord</b>	<b>\$1,819.48</b>