



Order under Section 69 Residential Tenancies Act, 2006

Citation: Whitehall Commercial Corp. v Dunn, 2023 ONLTB 40475

Date: 2023-05-29

File Number: LTB-L-046332-22

In the matter of: 20, 357 MURRAY ST
CORUNNA ON N0N1G0

Between: Whitehall Commercial Corp. Landlord

And

Alyssia Dunn and Joanne Dunn Tenants

Whitehall Commercial Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Alyssia Dunn and Joanne Dunn (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 Tenant, Alyssia Dunn, attended the hearing. The Landlord was represented at the hearing by Kelly Hawkes.

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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,271.07. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$41.79. This amount is calculated as follows: \$1,271.07 x 12, divided by 365 days.
5. The Tenants have paid \$8,773.49 to the Landlord since the application was filed.
6. The rent arrears owing to March 31, 2023, are \$117.60.
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 \$1,199.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$64.34 is owing to the Tenant for the period from June 1, 2019, to March 14, 2023.

10. At the hearing the Tenant advised that the arrears will be paid by March 31, 2023. Accordingly, I do not need to consider any further relief from eviction.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenant voids this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$2,845.74 if the payment is made on or before May 31, 2023. See Schedule 1 for the calculation of the amount owing.

OR

 - \$4,116.81 if the payment is made on or before June 9, 2023. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after June 9, 2023, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenant must move out of the rental unit on or before June 9, 2023**
5. As of the date of the hearing, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, compensation, and the cost of filing the application the Landlord is entitled to by \$1,645.75. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing to the Tenant \$41.79 per day for compensation for the use of the unit starting March 15, 2023, until the date the Tenant moves out of the unit.
6. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
7. If the unit is not vacated on or before June 9, 2023, then starting June 10, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June 10, 2023.

May 29, 2023
Date Issued

 Bryan Delorenzi
 Member, Landlord and Tenant Board

15 Grosvenor Street, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on December 10, 2023 if the order has not been filed on or before this date with the Court

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before May 31, 2023

Rent Owing To May 31, 2023	\$11,433.23
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$8,773.49
Total the Tenant must pay to continue the tenancy	\$2,845.74

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before June 9, 2023

Rent Owing To June 30, 2023	\$12,704.30
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$8,773.49
Total the Tenant must pay to continue the tenancy	\$4,116.81

C. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$8,205.08
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$8,773.49
Less the amount of the last month's rent deposit	- \$1,199.00
Less the amount of the interest on the last month's rent deposit	- \$64.34
Total amount owing to the Landlord	\$(1,645.75)
Plus daily compensation owing for each day of occupation starting March 15, 2023	\$41.79 (per day)