



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

Citation: Daniel Thomas v Christina Pokrywa, 2023 ONLTB 34545

Date: 2023-05-26

File Number: LTB-L-026420-22

In the matter of: A, 3425 HANDS RD RR 4 PRESCOTT
ON K0E1T0

Between: Daniel Thomas Landlord

And

Christina Pokrywa Tenants Robert Mitchel Baker

Daniel Thomas (the 'Landlord') applied for an order to terminate the tenancy and evict Christina Pokrywa and Robert Mitchel Baker (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on April 18, 2023.

The Landlord's Legal Representative G. Berger and the Tenants Robert Baker 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 October 15, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,300.00. It was due on the 1st day of each month.
5. The Tenants have paid \$3,600.00 to the Landlord since the application was filed.
6. I find that the rent arrears owing to October 15, 2022 are \$11,400.00. The Landlord in their L1/L9 update sheet included an additional \$800.00 in arrears for the period January 15, 2022 till February 14, 2022 which were neither mentioned in the N4 nor the L1 application.

This amount is not being awarded in this order since the Tenants were not made aware of this claim in the application. The L1/L9 update sheet also claims an additional \$1,150.00 in rent for the period from October 15, 2022 till October 31, 2022. This claim is also denied because it is for a period of time after the Tenants vacated.

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7. At the hearing the Tenant Robert Baker had requested the Board to grant him time to bring proof of payments made to the Landlord besides the ones reflected on the L1/L9 update sheet. The parties were granted an opportunity to present their post-hearing submissions through an oral order at the hearing and an Interim order was issued for the same, on April 28, 2023. The Tenant failed to submit any evidence to the Board before the deadline. Therefore, the arrears owing are as set put above.
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 \$2,300.00 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 \$32.74 is owing to the Tenants for the period from August 9, 2021 to October 15, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of October 15, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$9,253.26. 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 does not pay the Landlord the full amount owing on or before June 6, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 7, 2023 at 6.00% annually on the balance outstanding.

May 26, 2023

Date Issued

Sheena Brar

Member, Landlord and Tenants 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	\$15,000.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$3,600.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,300.00
Less the amount of the interest on the last month's rent deposit	- \$32.74
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlord	\$9,253.26