



Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

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

Citation: Saickley Enterprises Ltd v Claudine Giroux, 2023 ONLTB 39277

Date: 2023-05-24

File Number: LTB-L-058086-22

In the matter of: 1002, 270 SOMERSET ST W
OTTAWA ON K2P0J7

Between: Saickley Enterprises Ltd Landlord

And

Claudine Giroux Tenant

Saickley Enterprises Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Claudine Giroux (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 24, 2023. The

Landlord's agent N. Cutler and the Tenant attended the hearing

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. The Tenant vacated the rental unit on October 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. In accordance with the Landlord's L1 Application, the rent arrears owing to October 31, 2022, was \$3,283.76.
5. At the hearing, the landlord sought an order for rent arrears which exceeded the amount requested in the Landlord's L1 application by \$1014.34. Rule 15 of the Board's Rules provide that a request to amend an application will be decided at the hearing after

considering whether the amendment was requested as soon as the need for it was known, as well as any prejudice a party may experience as a result of the amendment. The increased rent arrears claimed is the result of an AGI order dated October 14, 2022 (EAL083106-19) providing for an AGI increase from September 1, 2019 to August 2020, and regular rent increases of rent thereafter. As the AGI order was rendered several months prior to the hearing of this matter and given the length of time over which the rent arrears were claimed and the resulting complexity this creates in defending such an application, I have not considered the requested amended amount.

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 \$1,245.00 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.
8. Interest on the rent deposit, in the amount of \$71.58 is owing to the Tenant for the period from May 18, 2018 to October 31, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of October 31, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$2,153.18. 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 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 4, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 5, 2023 at 6.00% annually on the balance outstanding.

May 24, 2023

Date Issued

Peter Nicholson

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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$3,283.76
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,245.00
Less the amount of the interest on the last month's rent deposit	- \$71.58
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$2,153.18