



Order under Section 69 Residential Tenancies Act, 2006

Citation: Galaxy Value Add Ontario Properties LP v Dmytryshyn, 2023 ONLTB 36572

Date: 2023-05-12

File Number: LTB-L-044889-22

In the matter of: 0401, 1200 TALWOOD CRT
PETERBOROUGH ON K9J7X3

Between: Galaxy Value Add Ontario Properties LP Landlord

And

Braydyn Dmytryshyn and Tameeka Tenants Dmytryshyn

Galaxy Value Add Ontario Properties LP (the 'Landlord') applied for an order to terminate the tenancy and evict Braydyn Dmytryshyn and Tameeka Dmytryshyn (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 Sharon Harris. The Tenants were 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 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 14, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The rent arrears owing to October 14, 2022, are \$4,384.58.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. The Landlord collected a rent deposit of \$1,383.00 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.

7. Interest on the rent deposit, in the amount of \$13.82 is owing to the Tenants for the period from December 15, 2021 to October 14, 2022.

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It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of October 14, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$3,173.76. 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 Tenant. 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 May 23, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 24, 2023, at 6.00% annually on the balance outstanding.

May 12, 2023

Date Issued

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.

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Schedule 1 SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$4,384.58
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount of the last month's rent deposit	- \$1,383.00
Less the amount of the interest on the last month's rent deposit	- \$13.82
Total amount owing to the Landlord	\$3,173.76