



Order under Section 69 Residential Tenancies Act, 2006

Citation: Anna Moore Group Inc v Maria Carreiro, 2023 ONLTB 34829

Date: 2023-05-09

File Number: LTB-L-057894-22

In the matter of: 6, 107 CHANDLER DR
KITCHENER ON N2E1G7

Between: Anna Moore Group Inc Landlord

And

Maria Carreiro Tenant

Anna Moore Group Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Maria Carreiro (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. (L1 application)

This L1 application was heard by videoconference on April 24, 2023.

The Landlord's Agent, Tiffany McGowan, and the Tenant attended the hearing. Also in attendance with the Tenant was Austin Lopez. Austin Lopez is a friend of the Tenant who came to assist the Tenant with the English language.

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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. As of January 1, 2023, the monthly rent is \$1,244.76. Rent is due on the 1st day of each month.
4. Based on the L1 update sheet provided, the Tenant paid \$1,214.40 on October 29, 2022 to the Landlord. This payment was made after the L1 application had been filed (October 6, 2022) but was sufficient to zero-out the rent arrears claimed under the L1 application.
5. The Landlord incurred costs of \$186.00 for filing the application and \$32.00 related to NSF charges, and is entitled to reimbursement of those costs.
6. For the record only, the Landlord collected a rent deposit of \$1,200.00 from the Tenant 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.

7. For the record only, interest on the rent deposit, in the amount of \$23.77, is owing to the Tenant for the period from January 1, 2021 to April 24, 2023.
8. I took in submissions from both parties regarding the costs-only claim that remains under the L1 application. I find these costs, totalling \$218.00, to be valid costs for reimbursement to the Landlord by the Tenant. This will be ordered to be paid, but there is no eviction to be considered under this L1 application. The parties agreed that payment is to be effected by the end of April 2023.

It is ordered that:

1. In respect of this L1 application, the tenancy between the Landlord and the Tenant remains intact.
2. On or before April 30, 2023, the Tenant shall pay the Landlord the amount of \$218.00 which represents the remaining portion of the L1 application filing fee and NSF charges to be paid.
3. If the Tenant does not pay the Landlord the full amount owing on or before April 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2023 at 6.00% annually on the balance outstanding.
4. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

May 9, 2023

Date Issued

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Alex Brkic

Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.