



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

**Citation:** Sailan Moorthy v Samantha C Fitzpatrick, 2023 ONLTB 33644

**Date:** 2023-05-03

**File Number:** LTB-L-055746-22

**In the matter of:** Basement Unit, 336 MAIN ST  
CAMBRIDGE ON N1R1Y7

**Between:** Sailan Moorthy Landlord  
Zane Chatodkath

**And**

Daniel Michael Stapley Tenant  
Samantha C Fitzpatrick

Sailan Moorthy and Zane Chatodkath (the 'Landlord') applied for an order to terminate the tenancy and evict Daniel Michael Stapley and Samantha C Fitzpatrick (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 12, 2023.

Only the Landlords 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 November 30, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1800.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to November 30, 2022 are \$8,400.00.
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 \$500.00 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.

9. Interest on the rent deposit, in the amount of \$3.53 is owing to the Tenant for the period from April 30, 2022 to November 30, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of November 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$8,082.47. 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 do not pay the Landlord the full amount owing on or before May 14, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 15, 2023 at 6.00% annually on the balance outstanding.

**May 3, 2023**  
**Date Issued**

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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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$8,400.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$500.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$3.53
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$8,082.47</b>