



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

Citation: Morisset Residences Corp. v Fred Timms, 2023 ONLTB 34384

Date: 2023-05-01

File Number: LTB-L-055451-22

In the matter of: 506, 1435 MORISSET AVE
OTTAWA ON K1Z8H4

Between: Morisset Residences Corp. Landlord

And

Elizabeth Burrell and Fred Timms Tenants

Morisset Residences Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Elizabeth Burrell and Fred Timms (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on April 24, 2023 at 1:00 p.m.

The Landlord, represented by Jamuna Ganesan, a licensed Paralegal, and Tenant Elizabeth Burrell, represented by Jennifer Ety, Power of Attorney, attended the hearing.

Tenant Fred Timms was 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 Non-payment 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. Jennifer Ety, Tenant Elizabeth Burrell's Power of Attorney submitted a Certificate of Cremation and Contents stating that Tenant Fred Timms had died on June 13, 2022.
4. At the hearing the parties agreed to terminate the tenancy and return vacant possession to the Landlord effective April 24, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
5. The lawful rent is \$1,038.71. It was due on the first day of each month.
6. The Tenants have not made any payments since the application was filed.
7. The rent arrears owing to April 24, 2023 are \$10,375.80.

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 \$925.00 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 \$112.08 is owing to the Tenants for the period from September 1, 2015 to April 24, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of April 24, 2023, the date the Tenants returned vacant possession of the rental unit to the Landlord.
2. The Tenants shall pay to the Landlord \$9,305.61. 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 May 12, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 13, 2023 at 6.00% annually on the balance outstanding.

May 1, 2023
Date Issued

 Peter Pavlovic
 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 Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$10,156.69
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
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	- \$925.00
Less the amount of the interest on the last month's rent deposit	- \$112.08
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	\$9,305.61