



Order under Section 69  
Residential Tenancies Act, 2006

Citation: Jennifer Doren v Mwehu Lugoma, 2023 ONLTB 33264

Date: 2023-04-26

File Number: LTB-L-055485-22

In the matter of: 1030, 165 LEGION RD N  
ETOBICOKE ON M8Y0B3

Between: Jennifer Doren and Melissa Doren

Landlords

And

Fabrice Ngele and Mwehu Lugoma

Tenants

Jennifer Doren and Melissa Doren (the 'Landlords') applied for an order to terminate the tenancy and evict Fabrice Ngele and Mwehu Lugoma (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlords attended the hearing.

As of 10:30 a.m., 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 Landlords' evidence.

Determinations:

1. The Landlords 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 March 2, 2023. The Landlord, Jennifer Doren, stated that the Tenant, Mwehu Lugoma, advised that the Tenants were vacating the rental unit and returned the keys on this date. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent was \$2,700.00. It was due on the 1st day of each month.
5. Based on the Monthly rent, the daily rent/compensation is \$88.77. This amount is calculated as follows: \$2,700.00 x 12, divided by 365 days.

6. The Tenants have paid \$7,400.00 to the Landlords since the application was filed.
7. The rent arrears owing to March 2, 2023 are \$10,327.54.

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8. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
9. The Landlords collected a rent deposit of \$2,700.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated. Interest is owing on the rent deposit of \$51.27 for the period from December 1, 2021 to April 12, 2023.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of March 2, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$7,762.27. 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 Landlords 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 Landlords the full amount owing on or before May 7, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 8, 2023 at 6.00% annually on the balance outstanding.

April 26, 2023

Date Issued

\_\_\_\_\_  
Mark Melchers

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 Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$17,727.54
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$7,400.00
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	- \$2,700.00
Less the amount of the interest on the last month's rent deposit	- \$51.27
Less the amount the Landlords 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 Landlords	\$7,762.27

