



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

**Citation:** 573274 Ontario Inc o/a Valery Properties v Delangis, 2023 ONLTB 31036

**Date:** 2023-04-21

**File Number:** LTB-L-051929-22

**In the matter of:** 83, 238 HIGHWAY 8  
STONE CREEK ON L8G1E1

**Between:** 573274 Ontario Inc Landlord  
o/a Valery Properties

**And**

Ashley Delangis Tenants  
Kyle Howard

573274 Ontario Inc o/a Valery Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Ashley Delangis and Kyle Howard (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 28, 2023. The Landlord's representative, Tina Novak, attended the hearing. As of 4:31 pm, 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 the 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. The Tenants vacated the rental unit on October 13, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent was \$2,450.00. It was due on the 1st day of each month.
5. The Tenants paid \$3,760.00 to the Landlord since the application was filed.
6. The rent arrears owing to October 13, 2022 are \$2,237.15.
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 \$2,450.00 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.

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9. Interest on the rent deposit, in the amount of \$15.79 is owing to the Tenants for the period from April 1, 2022 to October 13, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of October 13, 2022, the date the Tenants moved out of the rental unit
2. The Landlord shall pay to the Tenants \$42.64. The Tenants owe the Landlord rent arrears up to the date the Tenants moved out of the rental unit and the cost of filing the application. The amount of rent deposit and interest the Landlord owes on the rent deposit exceeds the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Landlord does not pay the Tenants the full amount owing on or before May 2, 2023, the Landlord will start to owe interest. This will be simple interest calculated from May 3, 2023 at 6.00% annually on the balance outstanding.

**April 21, 2023**  
**Date Issued**

\_\_\_\_\_  
Frank Ebner  
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	\$5,997.15
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	- \$3,760.00
<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	- \$2,450.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$15.79
<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 is negative; therefore, \$42.64 is the total owed to the Tenants.</b>	<b>\$(-42.64)</b>

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