



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

Citation: Deng v Sauve, 2023 ONLTB 31583

Date: 2023-04-17

File Number: LTB-L-047811-22

In the matter of: 176 ROW PL
BROCKVILLE ON K6V6V2

Between: Bin Deng and Zhu Tuan Miao Landlords

And

Alain Sauve and Pamela Dawn Nadine Tenants
Kennedy

Bin Deng and Zhu tuan Miao (the 'Landlords') applied for an order to terminate the tenancy and evict Alain Sauve and Pamela Dawn Nadine Kennedy (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 14, 2023.

Only the Landlords attended the hearing.

As of 1:47 p.m., the Tenants 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 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 was in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on November 8, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,350.00. It was due on the 1st day of each month.

5. The Tenants have paid \$4,300.00 to the Landlords since the application was filed.
6. The rent arrears owing to November 8, 2022 are \$1,318.08.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$2,300.00 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.
9. Interest on the rent deposit, in the amount of \$20.64 is owing to the Tenants for the period from February 9, 2022 to November 8, 2022.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of November 8, 2022, the date the Tenants moved out of the rental unit
2. The Landlords shall pay to the Tenants \$816.56. The Tenants owe the Landlords rent arrears owing 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 Landlords owe on the rent deposit exceeds the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Landlords do not pay the Tenants the full amount owing on or before April 28, 2023, the Landlords will start to owe interest. This will be simple interest calculated from April 29, 2023 at 6.00% annually on the balance outstanding.

April 17, 2023

Date Issued

William Greenberg

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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$5,618.08
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$4,300.00
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	- \$2,300.00
Less the amount of the interest on the last month's rent deposit	- \$20.64
Less the amount the Landlords owe the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlords	\$(816.56)