



Order under Section 69
Residential Tenancies Act, 2006

Citation: Porcari v Kinderman, 2023 ONLTB 31457

Date: April 14, 2023

File Number: LTB-L-000030-22

In the matter of: 160 MOUNTBATTEN AVENUE OTTAWA,
ON K1H 5V7

Between:	Francesco Porcari	Landlord
	and	
	Cassidy Kinderman, Kyra Kinderman and Nathalie Kinderman	Tenants

Francesco Porcari (the 'Landlord') applied in a L1 application for an order to terminate the tenancy and evict Cassidy Kinderman, Kyra Kinderman and Nathalie Kinderman (the 'Tenants') because the Landlord claimed that the Tenants did not pay the rent that they owe.

This application was heard by videoconference on July 5, 2022 but unfortunately an order was not issued. A de novo (new) hearing was heard by videoconference on March 31, 2023. The Landlord's agent Amanda Porcari attended on behalf of the Landlord. As of 9:47am (the hearing started at 9am) the Tenants were not present or represented at the hearing although properly served with notice of the hearing by the LTB. The Tenants did not file any request to adjourn or reschedule the hearing. The hearing continued with only the Landlord's evidence as allowed by section 7 of the Statutory Powers Procedure Act.

Determinations:

1. The Tenants were in possession of the rental unit when the application was filed on January 8, 2022.
2. The Landlord's agent advised that the Tenants had vacated the rental unit as of March 31, 2022. Rent arrears were calculated up to the date the Tenants vacated the unit.
3. The lawful rent was \$2,580.60 per month. It was due on the first (1st) day of each month.
4. The Tenants paid \$4,282.50 (does not include the last month's rent deposit) between when the application was filed and this hearing.
5. The rent arrears owing to March 31, 2022 (the vacate date) are \$4,459.30.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

7. The Landlord collected a last month's rent deposit of \$2,550.00 from the Tenants on November 20, 2020 and this amount is still being held by the Landlord. The last month's rent deposit must be applied to the last month of the tenancy.

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8. No interest was paid to the Tenants for the last month's rent deposit. Interest is owing from the date of collection to the termination date in the N4 Notice of Termination (Dec 22, 2021).

It is ordered that:

9. The tenancy between the Landlord and the Tenants is terminated as of March 31, 2022, the date the Tenants gave vacant possession of the rental unit to the Landlord.
10. The Tenants shall pay to the Landlord \$2,088.88*. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit, plus the cost of filing the application, less the last month's rent deposit, less the interest owing on the deposit. See Schedule 1 for the calculation of the amount owing.
11. If the Tenants do not pay the Landlord the full amount owing of \$2,088.88* on or before April 25, 2023 (standard 11 days from the issuance date of this order), the Tenants will start to owe interest. This will be simple interest calculated from April 26, 2023 onwards at 6.00% annually on the balance outstanding.

April 14, 2023
Date Issued

Michelle Tan
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

Amount the Tenants must pay as the tenancy is terminated

Rent Arrears owing when Application was filed	\$3,580.60
New Rent that became due between when the Application was filed and the vacate date	\$5,161.20
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$4,282.50
Less the amount of the last month's rent deposit	- \$2,550.00
Less the amount of the interest owing on the last month's rent deposit	- \$6.42
Total amount owing to the Landlord	\$2,088.88*

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