



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

Citation: Haydt v Willett, 2023 ONLTB 31025

Date: 2023-04-12

File Number: LTB-L-008921-23

In the matter of: Upper, 195 Townline Street
St. Williams Ontario N0E1P0

Between: Noel Haydt Landlord

And

Curtis Willett Tenants
Katrina Willett

Noel Haydt (the 'Landlord') applied for an order to terminate the tenancy and evict Curtis Willett and Katrina Willett (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 29, 2023.

Only the Landlord's representative, Jackie Struthers attended the hearing.

As of 11: 11 a.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 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. The Tenants vacated the rental unit on January 6, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,200.00. It was due on the 1st day of each month.
5. The Tenants has not made any payments since the application was filed.
6. The rent arrears owing to January 6, 2023 are \$8,636.70.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord collected a rent deposit of \$1,200.00 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.
9. Interest on the rent deposit, in the amount of \$20.41 is owing to the Tenant for the period from February 1, 2022 to March 29, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of January 6, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$7,602.29. 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 April 23, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 24, 2023 at 6.00% annually on the balance outstanding.

April 12, 2023
Date Issued

Camille Clyne
Member, Landlord and Tenants 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	\$8,636.70
Application Filing Fee	\$201.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,200.00
Less the amount of the interest on the last month's rent deposit	- \$20.41
Total amount owing to the Landlord	\$7,602.29

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