



Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: LEITZMANN v MCMILLAN, 2023 ONLTB 30659

Date: 2023-04-12

File Number: LTB-L-001271-23

In the matter of: 43 FOXGLOVE CRESCENT
KITCHENER ON N2E3Y7

Between: NATALIE LEITZMANN Landlord

And

CATHERINE MCMILLAN and MORGAN Tenant
MCMILLAN

NATALIE LEITZMANN (the 'Landlord') applied for an order requiring CATHERINE MCMILLAN and MORGAN MCMILLAN (the 'Tenant') to pay the rent that the Tenant owes.

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

Only the Landlord attended the hearing.

As of 10:00 am, the Tenant 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 Tenant vacated the rental unit on January 21, 2023. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant did not pay the total rent they were required to pay for the period from July 1, 2021 to January 21, 2023.
3. The lawful rent is \$2,475.00. It is due on the 1st day of each month.
4. The Tenant has not made any payments since the application was filed.
5. The tenancy ended on January 21, 2023 as a result of the Tenant moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.
6. The rent arrears and daily compensation owing to January 21, 2023 are \$15,375.00

7. The Landlord collected a rent deposit of \$2,475.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy is terminated.

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8. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
9. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
10. This order contains all reasons for the determinations and order made. No further reasons will be issued

It is ordered that:

1. The Tenant shall pay to the Landlord \$13,101.00. This amount includes rent arrears owing up to January 21, 2023 and the cost of the application minus the rent deposit owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 23, 2023, the Tenant 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

Nicole Huneault

Member, Landlord and Tenant Board

15 Grosvenor Street, 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.

