



AMENDED ORDER
Order under Section 69
Residential Tenancies Act, 2006
And section 21.1 of the Statutory Powers Procedure Act

Citation: Stella v Oickle, 2023 ONLTB 29471
Date: 2023-04-05
File Number: LTB-L-049276-22

In the matter of: 9, 2428 KEELE ST
NORTH YORK ON M6L2N2

Between: Giacomo Stella Landlord

And

Ryan H Oickle Tenant

2023 ONLTB 29471 (CanLII)

This amended order is issued to correct a clerical error in the original order that was issued April 5, 2023. The amendment is bolded and underlined for ease of reference.

Giacomo Stella (the 'Landlord') applied for an order to terminate the tenancy and evict Ryan H Oickle (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 27, 2023.

Only the Landlord, attended the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on February 4, 2022~~2023~~. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to February 4, 2022 ~~2023~~ are \$(7,951.80) **\$8,308.00**.

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 \$1,355.00 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 terminated.
9. **Interest on the rent deposit, in the amount of \$28.77 is owing to the Tenant for the period from April 1, 2022 to February 4, 2023.**
10. 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.
11. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

- ~~1. The tenancy between the Landlord and the Tenant is terminated as of February 4, 2022, the date the Tenant moved out of the rental unit~~
 - ~~2. The Landlord shall pay to the Tenant \$9,118.35. The Tenant owes the Landlord rent arrears owing up to the date the Tenant 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 Tenant the full amount owing on or before April 16, 2023, the Landlord will start to owe interest. This will be simple interest calculated from April 17, 2023 at 6.00% annually on the balance outstanding.~~
1. **The tenancy between the Landlord and the Tenant is terminated as of February 4, 2023, the date the Tenant moved out of the rental unit**
 2. **The Tenant shall pay to the Landlord \$7,110.43. This amount includes rent arrears owing up to the date the Tenant 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 Tenant. See Schedule 1 for the calculation of the amount owing.**
 3. **If the Tenant does not pay the Landlord the full amount owing on or before April 16, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 17, 2023 at 6.00% annually on the balance outstanding.**

April 19, 2023
Date Amended

Greg Brocanier
Member, Landlord and Tenant Board

April 5, 2023
Date Issued

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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$(7,951.80) \$8,308.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,355.00
Less the amount of the interest on the last month's rent deposit	-\$ (2.45) \$28.77
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$(9,118.35) \$7110.43

2023 ONLTB 29471 (CanLI)