



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

**Citation:** Windsor Essex Community Housing Corporation v Filiault, 2023 ONLTB 29329

**Date:** 2023-04-05

**File Number:** LTB-L-038805-22

**In the matter of:** 116, 340 VICTORIA ST S  
AMHERSTBURG ON N9V2K6

**Between:** Windsor Essex Community Housing Corporation Landlord

**And**

Kevin Filiault Tenant

Windsor Essex Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Kevin Filiault (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord's Legal Representative, Cameron Parrott, and the Tenant attended the hearing. The Tenant opted not to consult with Tenant Duty Counsel.

**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. Based on the parties' submissions, the Tenant vacated the rental unit on October 12, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent was \$518.00. It was due on the 1st day of each month.
5. The Tenant did not make any payments since the application was filed.
6. The rent arrears owing to October 12, 2022 are \$3,617.36.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.
9. Although it did not change the outcome of this order for arrears, the Tenant made submissions concerning the suspension of his OW assistance, and the long time it took to resolve the matter (some 6 months he said). He testified he was evicted by the Sheriff and **File Number: LTB-L-038805-22**

was given three days to collect his belongings from the unit. The Tenant indicated he lost his belongings after the Landlord ended up disposing of them.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of October 12, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$3,803.36. 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. 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 5, 2023**

**Date Issued**

15 Grosvenor St, Ground Floor Toronto  
ON M7A 2G6

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Alex Brkic

Member, Landlord and Tenant Board

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.

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**Schedule 1  
SUMMARY OF CALCULATIONS**

**A. Amount the Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date (October 12, 2022)	\$3,617.36
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$3,803.36</b>