



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

**Citation:** Hunters Lodge Apts. Inc. v Smith, 2023 ONLTB 28142

**Date:** 2023-04-05

**File Number:** LTB-L-048930-22

**In the matter of:** 1511, 2600 DON MILLS RD NORTH  
YORK ON M2J3B4

**Between:** Hunters Lodge Apts. Inc. Landlord

**And**

Cecilia Smith Tenants Travis E. Pinnock

Hunters Lodge Apts. Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Cecilia Smith and Travis E. Pinnock (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 16, 2023. The Landlord's agent, Howard Levenson, attended the hearing. As of 10:03 am, the Tenants were 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 the Tenancy Early for Nonpayment 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 October 31, 2022. The Landlord is seeking compensation for rent for the month of November 2022 on the basis that the Tenants did not vacate the unit on August 23, 2022, the date of termination on the N4.
4. With no additional evidence from the Landlord on why the Tenants vacated the rental unit, I find that the Tenants vacated the rental unit on October 31, 2022 on the basis of the N4 served to them from the Landlord on August 9, 2022. Under these circumstances, rent arrears are calculated up to the date the Tenants vacated the unit.

5. The lawful rent is \$2,058.36. It was due on the 1st day of each month.
6. The Tenants have paid \$2,591.08 to the Landlord since the application was filed.
7. The rent arrears owing to October 31, 2022 are \$1,872.36.

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8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,033.96 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.
10. The Landlord paid the Tenants interest on the rent deposit up to the period of October 31, 2022 – the date that the Tenants vacated the rental unit. Accordingly, no rent deposit interest is owed to the Tenants.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of October 31, 2022, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$24.40. 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 do not pay the Landlord the full amount owing on or before April 16, 2023, the Tenants 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**

\_\_\_\_\_  
Frank Ebner  
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**

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

|  |                |
|--|----------------|
| Rent Owing To Move Out Date of October 31, 2022  | \$4,463.44     |
| 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 | - \$2,591.08   |
| <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                                | - \$2,033.96   |
| <b>Less</b> the amount of the interest on the last month's rent deposit                | - \$0.00       |
| <b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}          | - \$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>\$24.40</b> |

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