



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

Citation: Homestead Land Holdings Limited v Rutherford, 2023 ONLTB 28404

Date: 2023-04-03

File Number: LTB-L-046121-22

In the matter of: 1911, 200 BAY ST S
HAMILTON ON L8P4S4

Between: Homestead Land Holdings Limited Landlord

And

Andrew Rutherford Tenant

Homestead Land Holdings Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Rutherford (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 13, 2023.

Only the Landlord's Legal Representative, Megan O'Connor, attended the hearing.

As of 2:00 p.m., 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 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 November 28, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,776.88. 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 November 28, 2022 are \$9,699.14.

- 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 \$1,813.40 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.

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- 9. Interest on the rent deposit, in the amount of \$17.89 is owing to the Tenant for the period from February 2, 2022 to November 28, 2022.

It is ordered that:

- 1. The tenancy between the Landlord and the Tenant is terminated as of November 28, 2022, the date the Tenant moved out of the rental unit
- 2. The Tenant shall pay to the Landlord \$8,053.85. 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 14, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 15, 2023 at 5.00% annually on the balance outstanding.

April 3, 2023

Susan Priest

Date Issued

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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$9,699.14
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	- \$1,813.40
Less the amount of the interest on the last month's rent deposit	- \$17.89
Total amount owing to the Landlord	\$8,053.85