



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

Citation: Klapcic v Beck, 2023 ONLTB 27091

Date: 2023-03-31

File Number: LTB-L-047140-22

In the matter of: 120 SECOND RD W
STONEY CREEK ON L8J2V2

Between: Elvis Klapcic Landlord

And

Bonnie Beck Tenant

Elvis Klapcic (the 'Landlord') applied for an order to terminate the tenancy and evict Bonnie Beck (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 14, 2023. The Landlord and the Tenant attended the hearing.

Preliminary Issue:

The Tenant raised issues regarding harassment and illegal eviction from the rental unit on January 10, 2023. The evidence does not support the claim because having revealed to the Landlord that she needed assistance from her daughter to remove her belongings from the unit on January 10, 2022, the Landlord's Agent sent assistance to move the items to the desired room in the residential complex and paid for the Tenant's two week stay at a hotel. The Tenant has not substantiated her claims with any significant 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 January 10, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent was \$1,670.00.
5. The Tenant has paid \$1,670.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 10, 2023 are \$10,569.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$1,640.00 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 \$74.07 is owing to the Tenant for the period from August 1, 2019 to January 10, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of January 10, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall remove her belongings from the residential complex no later than March 29, 2023. Otherwise, the Landlord may dispose of them starting March 30, 2023.
3. The Tenant shall pay to the Landlord \$9,040.93. 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.
4. If the Tenant does not pay the Landlord the full amount owing on or before April 24, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 25, 2023 at 5.00% annually on the balance outstanding.

March 31, 2023

Date Issued

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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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

| | |
|--|-------------------|
| Rent Owing To Move Out Date | \$12,239.00 |
| Application Filing Fee | \$186.00 |
| Less the amount the Tenant paid to the Landlord since the application was filed | - \$1,670.00 |
| Less the amount of the last month's rent deposit | - \$1,640.00 |
| Less the amount of the interest on the last month's rent deposit | - \$74.07 |
| Total amount owing to the Landlord | \$9,040.93 |