



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

Citation: Equiton Residential Income Fund LP. v Bernard, 2023 ONLTB 27063

Date: 2023-03-23

File Number: LTB-L-046267-22

In the matter of: 1112, 125 WELLINGTON ST N HAMILTON
ON L8R3J4

Between: Equiton Residential Income Fund LP. Landlord

And

Elisha Campbell and Leon Bernard Tenant

Equiton Residential Income Fund LP. (the 'Landlord') applied for an order to terminate the tenancy and evict Elisha Campbell and Leon Bernard (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 14, 2023. Only the Landlord's Legal Representative, D. Abraham, attended the hearing. As of 10:04 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB.

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 October 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The Tenant has not made any payments since the application was filed.
5. The rent arrears owing to October 31, 2022 are \$4,798.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

7. The Landlord collected a rent deposit of \$1,426.98 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.
8. Interest on the rent deposit, in the amount of \$17.31 is owing to the Tenant for the period from October 28, 2021 to October 31, 2022.

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It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of October 31, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$3,539.71. 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 23, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 24, 2023 at 5.00% annually on the balance outstanding.

March 23, 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.

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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	\$4,798.00
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,426.98
Less the amount of the interest on the last month's rent deposit	- \$17.31
Total amount owing to the Landlord	\$3,539.71