



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

Citation: Royal Palace Apartments v Flynn, 2023 ONLTB 26455

Date: 2023-03-21

File Number: LTB-L-041783-22

In the matter of: 105-3827 Lawrence Avenue East Scarborough,
ON M1G 1R4

Between: Royal Palace Apartments Landlord

And

Helen Flynn Tenants Paul Michael

Royal Palace Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Helen Flynn and Paul Michael (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 27, 2023.

Only the Landlord's agent David Anton attended the hearing.

As of 2:20 pm, 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 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 November 1, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,295.00. It was due on the 1st day of each month.
5. The Tenants have paid \$7,840.00 to the Landlord since the application was filed.

6. The rent arrears owing to November 1, 2022 are \$415.45.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

File Number: LTB-L-041783-22

8. The Landlord collected a rent deposit of \$2,150.00 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.
9. Interest on the rent deposit, in the amount of \$13.22 is owing to the Tenants for the period from April 29, 2022 to November 1, 2022.

It is ordered that:

10. The tenancy between the Landlord and the Tenants is terminated as of November 1, 2022, the date the Tenants moved out of the rental unit
11. The Landlord shall pay to the Tenants \$1,561.77. The Tenants owe the Landlord rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. The amount of rent deposit and interest the Landlord owes on the rent deposit exceeds the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
12. If the Landlord does not pay the Tenants the full amount owing on or before April 1, 2023, the Landlord will start to owe interest. This will be simple interest calculated from April 2, 2023 at 5.00% annually on the balance outstanding.

March 21, 2023

Date Issued

Jagger Benham

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.

File Number: LTB-L-041783-22

Schedule 1

SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$8,255.45
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$7,840.00
Less the amount of the last month's rent deposit	- \$2,150.00
Less the amount of the interest on the last month's rent deposit	- \$13.22
Total amount owing to the Landlord	\$(1,561.77)