



Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: 1045237 Ontario Limited v Leslie, 2023 ONLTB 25523

Date: 2023-03-20

File Number: LTB-L-041311-22

In the matter of: 8g, 95 REDPATH AVE TORONTO
ON M4S2K1

Between: 1045237 Ontario Limited Landlord

And

Novica Kovacevic and Shannon Leslie Tenants

1045237 Ontario Limited (the 'Landlord') applied for an order requiring Novica Kovacevic and Shannon Leslie (the 'Tenants') to pay the rent that the Tenants owes.

This application was heard by videoconference on February 28, 2023.

The Landlord's representative Howard Levenson and the Tenants Novica Kovacevic and Shannon Leslie attended the hearing.

Determinations:

1. The Tenants vacated the rental unit on October 6, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants did not pay the total rent they were required to pay for the period from July 1, 2022 to October 6, 2022.
3. The lawful rent is \$1,375.00. It is due on the first day of each month.
4. The Tenants have paid \$2,750.00 to the Landlord after the application was filed.
5. The tenancy ended on October 6, 2022 as a result of the Tenants moving out in accordance with a notice of termination to terminate the tenancy. Therefore, the Tenants obligation to pay rent also ended on that date.
6. The rent arrears and daily compensation owing to October 6, 2022 are \$1631.23.
7. The Landlord collected a rent deposit of \$1,375 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 is terminated, leaving an outstanding balance of 256.23 in rental arrears.

8. The Tenant and the Landlord agree to an outstanding rental arrears balance of \$256.23.

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Application Filing Fee

9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. At the time the L1 application was filed on July 22, 2022, the Tenants had outstanding rental arrears of \$1,375.00.
11. The Tenants disagree with the costs of the application fee as the Tenants claim the last month rent deposit should have been used for July's monthly rent. They ask the Board to deny the Landlord's request for reimbursement of the filing fee.
12. The Landlord's representative submitted that the Landlord would never apply the last month rent deposit at any point during a tenancy except to the last month's rent of a tenancy. It was undisputed that the last month of the tenancy was September 2022. Pursuant to subsection 106(10) of the *Residential Tenancies Act, 2006*, a last month's rent deposit may only be applied to the last month of a tenancy. I do not accept the Tenants' argument that the last month's rent deposit should have been applied to rent arrears as they occurred in the month of July 2022, as this is contrary to the Act. As the Tenants were in arrears of rent at the time the application was filed, I find that the Landlord's application was properly filed, and the Landlord is therefore entitled to reimbursement of the cost of filing this application.

It is ordered that:

1. The Tenants shall pay to the Landlord \$442.23. This amount includes rent arrears owing up to October 6, 2022 and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before March 31, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 1, 2023 at 5.00% annually on the balance outstanding.

March 20, 2023

Date Issued

André-Paul Baillargeon-Smith

Member, Landlord and Tenants Board

15 Grosvenor Street, 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.