



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

Citation: CAPREIT Limited Partnership v Allwood, 2023 ONLTB 25343

Date: 2023-03-17

File Number: LTB-L-048440-22

In the matter of: 108, 2345 TRUSCOTT DR
MISSISSAUGA ON L5J2B1

Between: CAPREIT Limited Partnership Landlord

And

Joseph Allwood and Nicole Miranda Branco Tenants

CAPREIT Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Joseph Allwood and Nicole Miranda Branco (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on March 2, 2023.

The Landlord and the Tenant Nicole Miranda Branco attended the hearing, representing herself.

As of 11:50 p.m., the Tenant Joseph Allwood 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 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. Both Tenants had vacated the rental unit on February 28, 2023, returning vacant possession to the Landlord. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,912.68. It was due on the 1st day of each month.
5. The Tenants have paid \$3,890.00 to the Landlord since the application was filed.
6. The rent arrears owing to February 28, 2023 are \$11,088.04.
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 \$1,890.00 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.

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9. Interest on the rent deposit, in the amount of \$36.27 is owing to the Tenants for the period from November 16, 2021 to February 28, 2023.
10. The Tenant requested that the interest payable on the amount outstanding be delayed, to permit payment prior to interest costs. The Landlord objected to the extended period for interest payment, but was not opposed to granted a two month delay on interest payments. Having considered the submissions of both parties, I find in reasonable to delay the interest accrual on the order by 60 days after the date of this order.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of February 28, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$9,347.77. This amount includes rent arrears owing up to the date the Tenants 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 Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before May 17, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 18, 2023 at 5.00% annually on the balance outstanding.

March 17, 2023

Nicola Mulima

Date Issued

Vice Chair, 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

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SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$14,978.04
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$3,890.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,890.00
Less the amount of the interest on the last month's rent deposit	- \$36.27
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlord	\$9,347.77