



Order under Section 69
Residential Tenancies Act, 2006

Citation: WCPT Georgian Inc. DBA Foundry Georgian v Ferguson, 2023 ONLTB 24887

Date: 2023-03-15

File Number: LTB-L-048406-22

In the matter of: 207 Bedroom 1, 310 Georgian Drive Barrie ON
L4M7B7

Between: WCPT Georgian Inc. DBA Foundry Georgian Landlord

And

Lauryn Ferguson Tenant

WCPT Georgian Inc. DBA Foundry Georgian (the 'Landlord') applied for an order to terminate the tenancy and evict Lauryn Ferguson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord's legal representative, Sarah Murtadha (SM), attended the hearing.

As of 1:47 p.m., the Tenant was 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 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. SM said that the Landlord believed the Tenant was in possession of the rental unit until it received an email from the Tenant on March 1, 2023 advising that the Tenant had vacated the rental unit. The Landlord inspected the rental unit on March 1, 2023 and confirmed that the rental unit was empty. I find that the Tenant vacated the rental unit on March 1, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$763.00. It was due on the 1st day of each month.

5. The Tenant has paid \$4,969.00 to the Landlord since the application was filed.
6. The rent arrears owing to March 1, 2023 are \$388.08.
7. The Landlord did not seek recovery of its filing fee.

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8. The Landlord collected a rent deposit of \$754.00 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 \$22.06 is owing to the Tenant for the period from June 23, 2021 to March 1, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of March 1, 2023, the date the Tenant moved out of the rental unit
2. The Landlord shall pay to the Tenant \$387.98. The Tenant owes the Landlord rent arrears owing up to the date the Tenant moved out of the rental unit. The amount of rent deposit and interest the Landlord owes on the rent deposit exceeds the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Landlord does not pay the Tenant the full amount owing on or before March 26, 2023, the Landlord will start to owe interest. This will be simple interest calculated from March 27, 2023 at 5.00% annually on the balance outstanding.

March 15, 2023

Date Issued

Mark Melchers

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	\$5,357.08
Application Filing Fee	\$0.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$4,969.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$754.00
Less the amount of the interest on the last month's rent deposit	- \$22.06
Less the amount the Landlord owes the Tenant for an { abatement/rebate }	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$(387.98)

