



**Order under Section 87(1)
Residential Tenancies Act, 2006**

Citation: Easy Lake Properties Inc. v Forsyth, 2023 ONLTB 25392

Date: 2023-03-14

File Number: LTB-L-039323-22

In the matter of: 201, 201 GOWAN ST
BARRIE ON L4N2P2

Between: Easy Lake Properties Inc. Landlord

And

Patrick Forsyth Tenant

Easy Lake Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Patrick Forsyth (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 15, 2023.

Only the Landlord's representative Krysta Pachecho attended the hearing.

As of 9:50 a.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.

Preliminary Issue:

The Landlord's representative requested the L1 application be amended to correct the rental unit address on the L1 Application to reflect the correct the address as stated on the N4 Notice of Termination. This amendment was granted.

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 15, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit on October 15, 2022.

4. The lawful rent is \$1,619.20. It was due on the 1st day of each month.

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5. The amount owing in arrears up to July 31, 2022 found in the L1 application is \$2,673.60, this includes the lawful monthly rent for July 2022 found in the L1 application.
6. The amount of rent for August 2022 and September 2022 is $\$1,619.20 \times 2 = \$3,238.40$.
7. The amount owing for 15 days of rent in October is \$798.45 calculated as \$53.23 per day ($\$1,619.20 \times 12 / 365 = \53.23 per day)
8. The rent arrears owing to October 15, 2022 are \$6,710.45.
9. The Tenant has not made any payments since the application was filed July 17, 2022.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlord collected a rent deposit of \$1,600.00 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.
12. Interest on the rent deposit, in the amount of \$15.15 is owing to the Tenant for the period from January 1, 2021 to October 15, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of October 15, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$3,745.30. 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 1, 2023, the Tenant 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

André-Paul Baillargeon-Smith

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**

2023 ONL TB 25392 (CanLII)

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

Rent Owing To Move Out Date	\$6,710.45
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
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	- \$1,600.00
Less the amount of the interest on the last month's rent deposit	- \$15.15
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	\$5,095.30