



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

Citation: Moore v Oliveira, 2023 ONLTB 21705

Date: 2023-02-22

File Number: LTB-L-018375-22

In the matter of: 43 ERSKINE DR
NEWCASTLE ON L1B0C8

Between: David James Moore and Jacquelin Anne Moore Landlord

And

Mackenzie Wippler and Nicole Oliveira Tenant

David James Moore and Jacquelin Anne Moore (the 'Landlord') applied for an order to terminate the tenancy and evict Mackenzie Wippler and Nicole Oliveira (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 9, 2023.

The Landlord's legal representative, Marshall Yarmus, and the Landlord attended the hearing.

The first named Tenant also attended the hearing.

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 September 12, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,821.60. It was due on the 1st day of each month.

5. The Tenant has paid \$800.00 to the Landlord since the application was filed.
6. The rent arrears owing to September 12, 2022 are \$12,005.08.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$1,800.00 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 \$74.81 is owing to the Tenant for the period from January 26, 2019 to September 12, 2022.
10. The arrears are not in dispute.
11. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
12. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of September 12, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$10,316.27. 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 March 5, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 6, 2023 at 5.00% annually on the balance outstanding.

February 22, 2023

Date Issued

Greg Brocanier

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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

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**Schedule 1
SUMMARY OF CALCULATIONS**

2023 ONL TB 21705 (CanLII)

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

Rent Owing To Move Out Date	\$12,805.08
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$800.00
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	- \$1,800.00
Less the amount of the interest on the last month's rent deposit	- \$74.81
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	\$10,316.27