



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

**Citation:** bclMC Realty Corporation c/o QuadReal Residential Properties G.P. Inc v O'Rourke,  
2023 ONLTB 19826

**Date:** 2023-02-14

**File Number:** LTB-L-035964-22

**In the matter of:** 872 WARWICK DR  
BURLINGTON ON L7T3Y5

**Between:** bclMC Realty Corporation c/o QuadReal Residential Properties G.P. Inc Landlord

**And**

Betina Murias Tenants  
Clayton O'Rourke

bclMC Realty Corporation c/o QuadReal Residential Properties G.P. Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Betina Murias and Clayton O'Rourke (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 2, 2023. The Landlord's Agent, J. McClean, and the Landlord's Legal Representative, E. McGregor, attended the hearing. As of 1:42 p.m., the Tenant was not present or represented at the hearing although properly served with Notice of the Hearing by the LTB.

**Determinations:**

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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. The Tenants vacated the rental unit on June 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent was \$2,245.20.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to June 30, 2022 are \$4,490.60.
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 \$2,245.20 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 \$13.36 is owing to the Tenants for the period from January 1, 2022 to June 30, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of June 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$2,418.04. 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 March 14, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 1, 2023 at 5.00% annually on the balance outstanding.

**February 14, 2023**

**Date Issued**

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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	\$4,490.60
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,245.20
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$13.36
<b>Total amount owing to the Landlord</b>	<b>\$2,418.04</b>