



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

Citation: Nuttall v Willson, 2023 ONLTB 19206

Date: 2023-02-08

File Number: LTB-L-035486-22

In the matter of: 458 BLACK BAY RD
Thunder Bay ON P7A1P8

Between: Denette Dawn Myra Nuttall Landlords
John Ross Nuttall

And

David Dubray Tenants
Sara Wilson

Denette Dawn Myra Nuttall and John Ross Nuttall (the 'Landlord') applied for an order to terminate the tenancy and evict David Dubray and Sara Willson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 2, 2023. Only the Landlord, John Ross Nuttall, attended the hearing. As of 10:19 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB.

Determinations:

1. The Landlords 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 November 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,475.00.
5. The Tenants have paid \$4,500.00 to the Landlords since the application was filed.
6. The rent arrears owing to November 30, 2022 are \$7,300.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlords collected a rent deposit of \$1,475.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$81.94 is owing to the Tenant for the period from August 15, 2018 to November 30, 2022.

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It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of November 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$5,929.06. 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 Landlords 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 Landlords the full amount owing on or before March 8, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 9, 2023 at 5.00% annually on the balance outstanding.

February 8, 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.

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**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$11,800.00
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Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$4,500.00
Less the amount of the last month's rent deposit	- \$1,475.00
Less the amount of the interest on the last month's rent deposit	- \$81.94
Total amount owing to the Landlord	\$5,929.06