



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

Citation: The Silver Group v MacMillan, 2023 ONLTB 18667

Date: 2023-02-03

File Number: LTB-L-032050-22

In the matter of: 60, 1301 Millwood Road
Brockville ON K6V6J4

Between: The Silver Group Landlord

And

Jonathan MacMillan Tenant

The Silver Group (the 'Landlord') applied for an order to terminate the tenancy and evict Jonathan MacMillan (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 30, 2023.

Only the Landlord's legal representative, Martinez Jones attended the hearing.

As of 11:48 a.m. the Tenant was not present or represented at the hearing.

The Landlord's application was amended to remove the name of the Guarantor as a party to the application. A guarantor is not a Tenant.

Determinations:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
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 January 12, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,206.66. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to January 12, 2023 are \$10,472.56.
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 \$1,140.00 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.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of January 12, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$9,519.97. 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 February 14, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 15, 2023 at 5.00% annually on the balance outstanding.

February 3, 2023
Date Issued

Debbie Mosaheb
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	\$10,472.56
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,140.00
Less the amount of the interest on the last month's rent deposit	- \$(1.41)
Total amount owing to the Landlord	\$9,519.97

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