



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

**Citation:** Melnik v Bellefeville, 2023 ONLTB 17942

**Date:** 2023-02-03

**File Number:** LTB-L-015840-22

**In the matter of:** 18 LIVIA HERMAN WAY  
Barrie ON L4M6X6

**Between:** Efim Melnik Landlords  
Itzhak Kopmar

**And**

Ashley Bellefeville Tenant

Efim Melnik and Itzhak Kopmar (the 'Landlords') applied for an order to terminate the tenancy and evict Ashley Bellefeville (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

Efim Melnik and Itzhak Kopmar (the 'Landlords') also applied for an order to terminate the tenancy and evict Ashley Bellefeville (the 'Tenant') because the Tenant has been persistently late paying the rent.

This application was heard by videoconference on January 26, 2023.

Only the Landlord Efim Melnik and the Landlords' Legal Representative Julie Jing Zhu attended the hearing

As of 9:41 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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

**Determinations:**

L1 Application

1. At the hearing the Landlords' Legal Representative relied on oral submissions and referred to documents to support their application.

2. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Nonpayment 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.
3. The Tenant was in possession of the rental unit on the date the application was filed.

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4. The Tenant vacated the rental unit on November 20, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent is \$2,250.00. It was due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to November 20, 2022 are \$19,599.40.
8. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlords collected a rent deposit of \$2,250.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
10. Interest on the rent deposit, in the amount of \$28.41 is owing to the Tenant for the period from November 2, 2021 to November 20, 2022.

#### L2 Application

11. At the hearing the Landlords requested consent of the Board to withdraw their L2 application as the Tenant had already vacated the rental unit. Pursuant to section 200(4) I consented to the request.

#### **It is ordered that:**

1. The tenancy between the Landlords and the Tenant is terminated as of November 20, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlords \$17,506.99. 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 Landlords 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 Landlords 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.
4. The Landlords' L2 application is dismissed.

**Date Issued**

**February 3, 2023**

John Cashmore  
Member, Landlord and Tenant Board

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15 Grosvenor St, Ground Floor  
Toronto ON M7A 2G6

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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	\$19,599.40
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,250.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$28.41
<b>Total amount owing to the Landlords</b>	<b>\$17,506.99</b>