



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

**Citation:** Marine City Apartments v Dufour, 2023 ONLTB 18637

**Date:** 2023-02-02

**File Number:** LTB-L-032169-22

**In the matter of:** 307, 1666 OUELLETTE AVE  
WINDSOR ON N8X4V2

**Between:** Marine City Apartments Landlord

**And**

Austin Dufour and Randi Hayes Tenants

Marine City Apartments (the 'Landlord') applied for an order to terminate the tenancy and evict Austin Dufour and Randi Hayes (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Ira Udaskin attended the hearing on behalf of the Landlord.

As of 10:51 a.m. the Tenants were not present or represented at the hearing.

**Determinations:**

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
2. The Tenants was in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on January 5, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,012.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to January 5, 2023 are \$7,776.35.
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 \$1,000.00 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.
9. Interest on the rent deposit, in the amount of \$24.74 is owing to the Tenants for the period from July 4, 2021 to January 5, 2023.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of January 5, 2023, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$6,937.61. 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 February 13, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 14, 2023 at 5.00% annually on the balance outstanding.

**February 2, 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 Tenants must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$7,776.35
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,000.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$24.74
<b>Total amount owing to the Landlord</b>	<b>\$6,937.61</b>