



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

Citation: Torbill Holdings LTD v Perry, 2023 ONLTB 16333

Date: 2023-01-31

File Number: LTB-L-028434-22

In the matter of: 413, 180 HAIG RD
BELLEVILLE ON K8N5K2

Between: Torbill Holdings LTD Landlord

And

John Lucas Tenants Nicki Perry

Torbill Holdings LTD (the 'Landlord') applied for an order to terminate the tenancy and evict John Lucas and Nicki Perry (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 17, 2023.

Only the Landlord's Agent Tania Wannamaker attended the hearing.

As of 2:10 p.m., the Tenants were 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 Tenants 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:

1. At the hearing the Landlord's Agent relied on oral submissions and referred to documents to support their application.
2. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment 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.
3. The Tenants were in possession of the rental unit on the date the application was filed.
4. The Tenants vacated the rental unit on November 1, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.

5. The lawful rent is \$1,395.00. It was due on the 1st day of each month.
6. The Tenants have paid \$2,430.00 to the Landlord since the application was filed.
7. The rent arrears owing to November 1, 2022 are \$5,370.00.

File Number: LTB-L-028434-22

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,395.00 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.
10. Interest on the rent deposit, in the amount of \$11.24 is owing to the Tenants for the period from March 2, 2022 to November 1, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of November 1, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$4,149.76. 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 11, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 12, 2023 at 5.00% annually on the balance outstanding.

January 31, 2023

Date Issued

John Cashmore

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.

File Number: LTB-L-028434-22

Schedule 1
SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$7,800.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$2,430.00
Less the amount of the last month's rent deposit	- \$1,395.00
Less the amount of the interest on the last month's rent deposit	- \$11.24
Total amount owing to the Landlord	\$4,149.76