



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

Citation: Killam Apartment REIT v Gordon, 2023 ONLTB 16553

Date: 2023-01-30

File Number: LTB-L-026312-22

In the matter of: 704, 100 FRONTIER PATH PVT
GLOUCESTER ON K1J0C5

Between: Killam Apartment REIT Landlord

And

Andrew Ferrier and Natasha Gordon Tenants

Killam Apartment REIT (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Ferrier and Natasha Gordon (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 16, 2023.

Only the Landlord's representative D Dames attended the hearing.

As of 9:47 am 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. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord 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 September 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,377.60. 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 September 30, 2022 are \$16,494.25.
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 \$2,300.00 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 \$31.53 is owing to the Tenants for the period from August 10, 2020 to September 30, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of September 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$14,348.72. 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 10, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 11, 2023 at 5.00% annually on the balance outstanding.

January 30, 2023
Date Issued

Heather Kenny
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	\$16,494.25
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,300.00
Less the amount of the interest on the last month's rent deposit	- \$31.53
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$14,348.72

2023 ONL TB 16553 (CanLII)