



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

**Citation:** Westwood Holdings Inc. v Mcityre, 2023 ONLTB 14957

**Date:** 2023-01-18

**File Number:** LTB-L-023947-22

**In the matter of:** 29, 84 WILLOW AVE TORONTO  
ON M4E3K2

**Between:** Westwood Holdings Inc. Landlord

**And**

Allison Mcityre Tenant

Westwood Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Allison Mcityre (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 4, 2023.

The Landlord's Legal Representative, Sabrina Scullli, and the Landlord's Agent, Ling Zhang, attended the hearing.

At the hearing, the Landlord's Legal Representative submitted that the Tenant is deceased and the Landlord was notified on September 19, 2022.

As of 9:45 a.m., the Tenant was 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 Tenant with a valid Notice to End Tenancy Early for Non-payment 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant ceased to occupy the rental unit on September 19, 2022. When a Tenant of a rental unit dies and there are no other tenants of the rental unit, the tenancy shall be deemed

terminated 30 days after the death of the Tenant. Therefore, rent arrears are calculated to October 19, 2022.

4. The lawful rent is \$870.58. 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 October 19, 2022 are \$10,873.36.

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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 \$870.58 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.
9. Interest on the rent deposit, in the amount of \$136.36 is owing to the Tenant for the period from August 1, 2012 to October 19, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of October 19, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$10,052.42. 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 January 29, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 30, 2023 at 5.00% annually on the balance outstanding.

**January 18, 2023**  
**Date Issued**

\_\_\_\_\_  
Susan Priest  
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	\$10,873.36
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$870.58
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$136.36
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$10,052.42</b>