



**Order under Section 69 and 87(1)
Residential Tenancies Act, 2006**

Citation: Turudic v Whitney, 2023 ONLTB 14770

Date: 2023-01-10

File Number: LTB-L-025674-22

In the matter of: 1750 Concession 5
Sunderland ON L0C1H0

Between: Donna Turudic Landlord

And

Rachel Whitney Tenant

Donna Turudic (the 'Landlord') applied for an order to terminate the tenancy and evict Rachel Whitney (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 5, 2023. The Landlord and the Landlord's husband, Walter Turudic, attended the hearing. As of 3:05pm, the Tenant was not present or represented at the hearing. As a result, the hearing proceeded with only the Landlord's uncontested evidence.

Determinations:

1. The Landlord served the Tenant with a 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. At the hearing it became evident that the rental period in the Notice was defective on the basis that it listed the rental period from the 16th of the month to the 15th of the following month. The Landlord clarified that the rent is due on the 15th of each month, therefore, I find the notice defective on its face. On this basis, the Landlord requested an order for arrears of rent and requested to amend the application accordingly.
3. I see reason to deny the request on the basis that the application was undisputed at the hearing.
4. The Tenant was in possession of the rental unit on the date the application was filed.
5. The Tenant vacated the rental unit on July 10, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
6. The lawful rent is \$1,500.00. It was due on the 15th day of each month.
7. The Tenant has not made any payments since the application was filed.
8. The rent arrears owing to July 10, 2022 are \$13,282.32.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

10. The Landlord collected a rent deposit of \$1,500.00 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.
11. Interest on the rent deposit, in the amount of \$19.28 is owing to the Tenant for the period from June 15, 2020 to July 10, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of July 10, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$11,899.72. 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 21, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 22, 2023 at 5.00% annually on the balance outstanding.

January 10, 2023

Date Issued

Terri van Huisstede

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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

Schedule 1
SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$13,233.00
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	- \$1,500.00
Less the amount of the interest on the last month's rent deposit	- \$19.28
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	\$11,899.72