



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

Citation: CEDARFIELD DEVELOPMENT v Storey, 2022 ONLTB 14219

Date: 2022-12-09

File Number: LTB-L-021018-22

In the matter of: 11, 16 AUSTIN DR
WATERLOO ON N2L3Y1

Between: Cedarfield Development Landlord

And

Paula Faulkner Jane, Tenants
Richard Storey

Cedarfield Development (the 'Landlord') applied for an order to terminate the tenancy and evict Paula Faulkner Jane and Richard Storey (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on October 26, 2022. Only the Landlord's legal representative, J.Dean attended the hearing.

I waited until after 1:30pm to call the matter, the Tenants was 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. At the outset of the hearing the Landlord's legal representative submitted that the Tenants were expected to vacate as of October 31, 2022, as such she requested to amend the application to be for arrears only. This order reflects that change.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. Rent arrears are calculated up to October 31, 2022, the date the Tenants are anticipated as to vacate.
4. The lawful rent is \$1,437.04. 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 October 31, 2022, are \$16,390.28.
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 \$1,420.00 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.

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9. Interest on the rent deposit, in the amount of \$9.76 is owing to the Tenants for the period from April 1, 2022 to October 31, 2022.

It is ordered that:

1. The Tenants shall pay to the Landlord \$15,146.52. 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.
2. If the Tenants does not pay the Landlord the full amount owing on or before December 20, 2022, the Tenants will start to owe interest. This will be simple interest calculated from December 21, 2022 at 4.00% annually on the balance outstanding.

December 9, 2022
Date Issued

Curtis Begg
Member, Landlord and Tenants 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 | \$16,390.28 |
| Application Filing Fee | \$186.00 |
| NSF Charges | \$0.00 |
| Less the amount the Tenants paid to the Landlord since the application was filed | - \$0.00 |
| Less the amount the Tenants paid into the LTB since the application was filed | - \$0.00 |
| Less the amount of the last month's rent deposit | - \$1,420.00 |
| Less the amount of the interest on the last month's rent deposit | - \$9.76 |
| Less the amount the Landlord owes the Tenants for an {abatement/rebate} | - \$0.00 |
| Less the amount of the credit that the Tenants is entitled to | - \$0.00 |
| Total amount owing to the Landlord | \$15,146.52 |