



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

**Citation:** Old Orchard Properties Inc v Wynn, 2022 ONLTB 13976

**Date:** 2022-12-07

**File Number:** LTB-L-016337-22

**In the matter of:** 502, 293 Viewmount Avenue  
Toronto ON M6B3H8

**Between:** Old Orchard Properties Inc Landlord

**And**

Lau-Sean Kordrostami, Wayne Wynn Tenants

Old Orchard Properties Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Lau-Sean Kordrostami and Wayne Wynn (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on September 28, 2022. Only the Landlord's agent F. Siesto attended the hearing. As of 2:26 pm, 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's agent testified that the arrears were not correctly claimed in the application. A rental ledger was provided and the agent testified that the arrears on the application are to February 28, 2022. She testified that March 2022 rent was charged and credited by way of the last month rent deposit and was not included in the application.
2. The application is amended to reflect March rent being charged in the amount of \$2,650.00 and the last month rent deposit shall be appropriately applied in this order (see Schedule 1).
3. 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.
4. The Tenants were in possession of the rental unit on the date the application was filed.
5. The Tenants vacated the rental unit on March 31, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
6. The lawful rent is \$2,650.00. It was due on the 1st day of each month.
7. The Tenants have paid \$3,015.00 to the Landlord since the application was filed.
8. The rent arrears owing to March 31, 2022 are \$7,350.00.

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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 \$2,650.00 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 \$7.84 is owing to the Tenant for the period from June 1, 2021 to March 31, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of March 31, 2022, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$1863.16. 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 Tenants do not pay the Landlord the full amount owing on or before December 18, 2022, the Tenants will start to owe interest. This will be simple interest calculated from December 19, 2022 at 4.00% annually on the balance outstanding.

**December 7, 2022**

**Date Issued**

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Donna Adams

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	\$7,350.00
Application Filing Fee	\$186.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$3,015.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,650.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$7.84
<b>Total amount owing to the Landlord</b>	<b>\$1863.16</b>