



**Order under Section 69 and 77  
Residential Tenancies Act, 2006**

**Citation:** 1777365 Ontario Limited v Furlotte, 2022 ONLTB 13240

**Date:** 2022-11-28

**File Number:** LTB-L-041902-22

**In the matter of:** 05, 294 Albinson Street  
Sudbury Ontario P3C 3W3

**Between:** 1777365 Ontario Limited Landlord

**And**

Julia Furlotte, Ronaldo Marin Tenant

1777365 Ontario Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Julia Furlotte, Ronaldo Marin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes; and, because the Tenant entered into an agreement to terminate the tenancy.

This application was heard by videoconference on October 24, 2022.

Only the Landlord's agent Paul Minocha attended the hearing. The Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. As a result, the hearing proceeded with only the Landlord's evidence.

At the hearing, the Landlord requested the Board's consent to withdraw their L3 application, as the Tenants had already vacated the rental unit.

**Determinations:**

L3 Application

1. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the Landlord's L3 application.

L1 Application

2. 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.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Tenant vacated the rental unit on August 14, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
5. The lawful rent is \$1,580.00. It was due on the 1st day of each month.

6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to August 14, 2022 are \$3,887.30.
8. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,580.00 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.
10. Interest on the rent deposit, in the amount of \$7.17 is owing to the Tenant for the period from March 30, 2022 to August 14, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of August 14, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$2,501.13. 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 December 9, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 10, 2022 at 4.00% annually on the balance outstanding.
4. The Landlord's L3 application is withdrawn.

**November 28, 2022**

**Date Issued**

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Peter Nicholson

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 Tenants must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$3,887.30
Application Filing Fee	\$201.00
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	- \$1,580.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$7.17
<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>\$2,501.13</b>