



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

Citation: Monera v Mccullough, 2022 ONLTB 12576

Date: 2022-11-22

File Number: LTB-L-017353-22

In the matter of: Lower Unit, 269 East 36th
Hamilton ON L8V3Z6

Between: Joan (john) Monera Landlord

And

Joshua Mccullough, Victoria Mccullough Tenant
Morrison

Joan (john) Monera (the 'Landlord') applied for an order to terminate the tenancy and evict Joshua Mccullough, Victoria Mccullough Morrison (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 11, 2022.

The Landlord and the Tenant Victoria Mccullough Morrison (VM) attended the hearing. VM acknowledged having the authority to speak on behalf of the Tenant Joshua Mccullough.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). Although the Tenants dispute the date of service of the Form N4, the Tenants vacated the rental unit on June 1, 2022 and the Landlord seeks an award for rent arrears only.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. Rent arrears are calculated up to the date the Tenants vacated the unit
4. The lawful rent is \$1,645.00. 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 June 1, 2022 are \$5,579.08. The Tenants does not dispute the amount owing.
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 \$1,645.00 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 \$19.79 is owing to the Tenants for the period from June 1, 2021 to June 1, 2022.

It is ordered that:

1. The Tenants shall pay to the Landlord \$4,100.29. 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 do not pay the Landlord the full amount owing on or before December 3, 2022, the Tenants will start to owe interest. This will be simple interest calculated from December 4, 2022 at 4.00% annually on the balance outstanding.

November 22, 2022
Date Issued

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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$5,579.08
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	- \$1,645.00
Less the amount of the interest on the last month's rent deposit	- \$19.79
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	\$4,100.29