



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

Citation: Metcap Living Management Inc v Madruga, 2022 ONLTB 11469

Date: 2022-11-18

File Number: LTB-L-020270-22

In the matter of: 1401, 15 EVA RD
ETOBICOKE ON M9C4W3

Between: Metcap Living Management Inc Landlord

And

Cottrell Phillip, Patricia Madruga Tenants

Metcap Living Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Cottrell Phillip, Patricia Madruga (the 'Tenants') because the Tenants did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on October 25, 2022.

Only the Landlord's Representative, H. Channiwala attended the hearing.

As of 1:29 p.m., 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 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.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on October 21, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit
4. The lawful rent is \$1,945.00. It was due on the 1st day of each month.
5. The Tenants has paid \$3,970.00 to the Landlord since the application was filed.
6. The rent arrears owing to October 21, 2022 are \$10,975.45.
7. The Landlord is entitled to \$200.00 to reimburse the Landlord for administration charges and \$50.00 for bank fees the Landlord incurred as a result of 10 cheques given by or on behalf of the Tenants which were returned NSF.

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,945.00 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.
10. Interest on the rent deposit, in the amount of \$18.80 is owing to the Tenants for the period from January 1, 2022 to October 25, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of October 21, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$9,447.65. 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 and unpaid NSF charges. 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 November 29, 2022, the Tenants will start to owe interest. This will be simple interest calculated from November 30, 2022 at 4.00% annually on the balance outstanding.

November 18, 2022
Issued

Date
Emily Robb _____
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	\$14,945.45
Application Filing Fee	\$186.00
NSF Charges	\$250.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$3,970.00
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	- \$1,945.00
Less the amount of the interest on the last month's rent deposit	- \$18.80
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	- \$
Total amount owing to the Landlord	\$9,447.65

2022 ONL TB 11469 (CanLII)