



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

**Citation:** Rempel Properties v Wiley, 2022 ONLTB 11545

**Date:** 2022-11-14

**File Number:** LTB-L-016414-22

2022 ONLTB 11545 (CanLII)

Rempel Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Darin Wiley (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 29, 2022.

Both the Landlord, and the Tenant attended the hearing.

### **Determinations:**

1. 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.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,442.10.
4. The Tenant was in possession of the rental unit on the date the application was filed with the Board.
5. The Tenant has paid \$2,884.00 to the Landlord since the application was filed.
6. The rent arrears owing to September 30, 2022 are \$10,094.90.
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 \$1,425.00 from the Tenant and this deposit is still being held by the Landlord.
9. Interest on the rent deposit, in the amount of \$15.09 is owing to the Tenant for the period from November 12, 2020 to September 29, 2022.

10. There is no dispute on the arrears owed to the Landlord.
11. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations
12. This order contains all reasons for the determinations and order made. No further reasons will be issued.

**It is ordered that:**

1. The Tenants shall pay to the Landlord \$10,094.90\*, which represents the amount of rent owing up to September 30, 2022.
2. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
3. If the Tenants do not pay the Landlord the full amount owing\* on or before November 25, 2022 the Tenants will start to owe interest. This will be simple interest calculated from November 26, 2022 at 4.00% annually on the balance outstanding.

**November 14, 2022**  
**Date Issued**

\_\_\_\_\_  
Greg Brocanier  
Member, Landlord and Tenant Board

15 Grosvenor Street, 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 to the Landlord.**

Rent Owing To September 30, 2022	\$10,094.90
Application Filing Fee	\$186.00
NSF Charges	\$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 credit that the Tenant is entitled to	- \$
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$10,280.90</b>