



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

**Citation:** DURHAM REGION NON-PROFIT HOUSING CORPORATION v Macfarlane, 2022 ONLTB 10700  
**Date:** 2022-11-04  
**File Number:** LTB-L-019360-22

**In the matter of:** 611, 90 WALLER ST  
WHITBY ON L1R2B7

**Between:** DURHAM REGION NON-PROFIT HOUSING CORPORATION Landlord

**And**

Anthony Fitzpatrick, Holly Macfarlane Tenants

DURHAM REGION NON-PROFIT HOUSING CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict Anthony Fitzpatrick and Holly Macfarlane (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlord's employee Arlene Herscheid attended the hearing.

As of 9:56a.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 August 31, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit
4. The lawful rent is \$1,239.00. It was due on the 1st day of each month.
5. The Tenants has paid \$2,500.00 to the Landlord since the application was filed.
6. The rent arrears owing to August 31, 2022 are \$5,760.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$1,224.00 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. Interest on the rent deposit in the amount of \$11.95 is owing for the period of January 1, 2021 to October 24, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of August 31, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$4,710.05. 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 November 15, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 16, 2022 at 4.00% annually on the balance outstanding.

**November 4, 2022**  
**Date Issued**

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Amanda Kovats  
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 Tenants must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$8,260.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$2,500.00
<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	- \$1,224.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$11.95
<b>Total amount owing to the Landlord</b>	<b>\$4,710.05</b>