



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

Citation: Equiton Residential Income Fund LP. v Macdonald, 2022 ONLTB 10169

Date: 2022-11-01

File Number: LTB-L-017074-22

In the matter of: 805, 120 OLD CARRIAGE DR
KITCHENER ON N2P1Z4

Between: Equiton Residential Income Fund LP. Landlord

And

Marlon Grandez Tenants
Tabitha Macdonald

Equiton Residential Income Fund LP. (the 'Landlord') applied for an order requiring Marlon Grandez and Tabitha Macdonald (the 'Tenants') to pay the rent that the Tenants owe.

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

Only the Landlord's Legal Representative Robert Rose attended the hearing.

As of 11:05 a.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. Since the Tenants did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the Statutory Powers Procedure Act, R.S.O. 1990.

Determinations:

1. At the hearing the Landlord's Legal Representative on oral submissions and referred to documents to support their application.
2. Based on the uncontested evidence of the Landlord's Legal Representative I find the Tenants vacated the rental unit on June 30, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants did not pay the total rent they were required to pay for the period from March 1, 2022 to June 30, 2022.
4. The lawful rent was \$1,563.54. It was due on the 1st day of each month.
5. The Tenants have made payments totalling \$1,563.54 since the application was filed.
6. The rent arrears owing to June 30, 2022 are \$4,672.08.

7. The Landlord collected a rent deposit of \$1,545 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 is terminated.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The tenancy is terminated effective June 30, 2022.
2. The Tenants shall pay to the Landlord \$3,313.08*. This amount includes rent arrears owing up to June 30, 2022 and the cost of the application minus the rent deposit.
3. If the Tenants do not pay the Landlord the full amount owing on or before November 12, 2022, the Tenants will start to owe interest. This will be simple interest calculated from November 13, 2022 at 4.00% annually on the balance outstanding.

November 1, 2022
Date Issued

John Cashmore
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.

* Please see attached Schedule A.

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: LTB-L-017074-22

A. Amount the Tenants must pay:

| Reasons for amount owing | Period | Amount |
|--|-----------------------------------|-------------------|
| Arrears: | March 1, 2022 until June 30, 2022 | \$4,672.08 |
| Less the rent deposit: | | -\$1,545.00 |
| Amount owing to the Landlord on the order date:(total of previous boxes) | | \$3,127.08 |
| Additional costs the Tenants must pay to the Landlord: | | \$186.00 |
| Total the Tenants must pay the Landlord: | | \$3,313.08 |