



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

**Citation:** Coady v Elzinga, 2022 ONLTB 9085

**Date:** 2022-10-24

**File Number:** LTB-L-003031-22

**In the matter of:** 2, 312 EXMOUTH ST  
SARNIA ON N7T5N2

**Between:** Candice Coady Landlords  
Corey Coady

**And**

Jackie Vanstone Tenants  
Ryan Elzinga

Candice Coady and Corey Coady (the 'Landlords') applied for an order to terminate the tenancy and evict Jackie Vanstone and Ryan Elzinga (the 'Tenants') because:

- the Tenants did not pay the rent that the Tenants owe; and
- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was heard by videoconference on September 7, 2022.

Only the Landlord's Legal Representative C. Dawdy attended the hearing.

As of 9:26 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. As a result, the hearing proceeded with only the Landlord's evidence.

**Preliminary Matter:**

The Landlord's L1 application is amended to correct an error in the amount of the Last Month's Rent deposit. The rent deposit is amended to reflect the amount of \$800.00 (s. 200(1)(f) *Residential Tenancies Act, 2006*)

**Determinations:**

L2 Application

1. At the hearing, the Landlord requested the consent of the Board to withdraw this application

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2. In accordance with subsection 200(4) of the *Residential Tenancies Act, 2006*, I consent to the withdrawal of this application.

L1 Application

3. The Landlords 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.
4. The Tenants were in possession of the rental unit on the date the application was filed.
5. The Tenants vacated the rental unit on August 31, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
6. The lawful rent is \$800.00. It was due on the 1st day of each month.
7. The Tenants have not made any payments since the application was filed.
8. The rent arrears owing to August 31, 2022 are \$10,800.00.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$800.00 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.
11. Interest on the rent deposit, in the amount of \$13.10 is owing to the Tenants for the period from August 14, 2020 to August 31, 2022.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated as of August 31, 2022, the date the Tenant moved out of the rental unit
2. The Tenants shall pay to the Landlord \$10,172.90. This amount includes rent arrears owing up to the date the Tenant 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 Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before November 4, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 5, 2022 at 4.00% annually on the balance outstanding.
4. If the Landlord does not pay the Tenant the full amount owing on or before November 4, 2022, the Landlord will start to owe interest. This will be simple interest calculated from November 5, 2022 at 4.00% annually on the balance outstanding.

**October 24, 2022**  
**Date Issued**

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Margo den Haan  
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	\$10,800.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenants paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$800.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$13.10
<b>Less</b> the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenants are entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$10,172.90</b>