



I hereby certify this is a true copy of an Order dated
FEB 14, 2024
Landlord and Tenant Board

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

Citation: VINODCHANDRA PATEL C/O QUANTUM PROPERTY MANAGEMENT v Melnick,
2024 ONLTB 12008
Date: 2024-02-14
File Number: LTB-L-068146-23

In the matter of: 1346 OTTAWA ST
KINGSTON ON K7P0T5

Between: VINODCHANDRA PATEL C/O QUANTUM PROPERTY MANAGEMENT Landlord

And

Assaf Melnick Tenants
Ekaterina Kachina

VINODCHANDRA PATEL C/O QUANTUM PROPERTY MANAGEMENT (the 'Landlord') applied for an order to terminate the tenancy and evict Assaf Melnick and Ekaterina Kachina (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 1, 2024.

Only the Landlord's legal representative Ian Macinnis and the Landlord's agent Karim Jamani attended the hearing.

As of 1:47p.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 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 November 30, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$3,000.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to November 30, 2023, are \$43,000.00.

7. The amount claimed by the Landlord exceeds the monetary jurisdiction of the Board. Section 207(1) of the *Residential Tenancies Act*, 2006 (the 'Act') limits the monetary jurisdiction of the Board to that of the Small Claims Court. Currently that amount is \$35,000.00. By proceeding with this claim at the Board, all rights of the Landlord in excess of the Board's monetary jurisdiction are extinguished.
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 \$2,750.00 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 \$105.71 is owing to the Tenants for the period from November 10, 2021, to November 30, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of November 30, 2023, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$35,186.00. 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 February 25, 2024, the Tenants will start to owe interest. This will be simple interest calculated from February 26, 2024, at 7.00% annually on the balance outstanding.

February 14, 2024
Date Issued

Inderdeep Padma
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	\$43,000.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
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	- \$2,750.00
Less the amount of the interest on the last month's rent deposit	- \$105.71
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlord (limited by the Monetary Jurisdiction of the Board to \$35,000.00)	\$35,186.00