



I hereby certify this is a true copy of an Order dated
SEP 01, 2023
Landlord and Tenant Board

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

Citation: Excellent Fire Protection Inc v Kazak, 2023 ONLTB 59346

Date: 2023-09-01

File Number: LTB-L-046119-22

In the matter of: Main Floor, 5144 Line 6
New Tecumseth ON L0G1W0

Between: Excellent Fire Protection Inc Landlord

And

Waleed Kazak Tenants
Nathalie Dabe

Excellent Fire Protection Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Waleed Kazak and Nathalie Dabe (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also applied for an order to terminate the tenancy and evict the Tenants because the Tenants have been persistently late in paying the Tenants' rent

This application was heard by videoconference on July 27, 2023.

Only the Landlord's Representatives, Jordan Nieuwhof and Trish Kennedy attended the hearing.

As of 10:05am, 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:

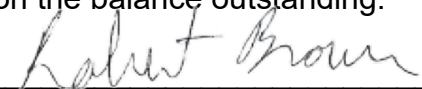
1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on July 5, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,900.00. 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 July 5, 2023, are \$48,231.70.

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 \$2,350.00 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.
9. Interest on the rent deposit, in the amount of \$106.75 is owing to the Tenants for the period from March 5, 2020, to July 5, 2023.
10. The arrears of rent claimed exceed the Board's monetary jurisdiction of \$35,000.00. The Landlord's legal representative understood that in accordance with section 207(3) of the *Residential Tenancies Act, 2006 (Act)*, by pursuing this application before the Board, the Landlord cannot claim any arrears in excess of \$35,000.00 in a new application or before a Court of competent jurisdiction.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of July 5, 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. The Landlord is also waiving \$10,774.95 to bring the order in accordance with section 207(3) of the Act. 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 September 12, 2023, the Tenants will start to owe interest. This will be simple interest calculated from September 13, 2023, at 6.00% annually on the balance outstanding.

September 1, 2023
Date Issued



Robert Brown
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	\$48,231.70
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,350.00
Less the amount of the interest on the last month's rent deposit	- \$106.75
Less the amount waived by the Landlord to bring the award of arrears in accordance with section 207(3) of the Act	- \$10,774.95
Application Filing Fee	\$186.00
Total amount owing to the Landlord	\$35,186.00