



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

Citation: Kumari v Ivancsik, 2024 ONLTB 12669

Date: 2024-02-21

File Number: LTB-L-068205-23

In the matter of: 110 GLEN LONG AVE
NORTH YORK ON M6B2M5

Between: Irum Kumari

And

Renato Ivancsik
Miklos Ivancsik
Maria Ivancsikne Babos

I hereby certify this is a
true copy of an Order dated
FEB 21, 2024
Landlord and Tenant Board

Landlord

Tenants

Irum Kumari (the 'Landlord') applied for an order to terminate the tenancy and evict Renato Ivancsik, Miklos Ivancsik and Maria Ivancsikne Babos (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 agent Venash Kumar Langhani attended the hearing.

As of the time of the hearing, 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 purportedly served the Tenants with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
2. At the hearing, the Landlord's agent requested an amendment to the application to correct the total arrears claimed from \$21,671.00 to \$21,784.00 for the period starting February 1, 2023, to August 31, 2023. He advised the rent is \$3,112.00 due on the 1st of the month. However, for the months of February 2023 and May 2023 the Landlord inadvertently wrote \$3,000.00 and \$3,111.00, respectively. The Landlord's agent also advised the Board that the Landlord collected a rent deposit from the Tenants in the amount of \$3,000.00 on February 1, 2021. I have exercised my discretion under section 201(1) of the *Residential Tenancies Act, 2006* (the "Act") to amend the application to reflect that the total arrears being claimed on the application is \$21,784.00 and that the Landlord collected a rent deposit from the Tenants. There is no prejudice to the Tenants from this amendment because it concerns a typographical error and the increase in the total value of arrears is not significant.

3. The Tenants were in possession of the rental unit on the date the application was filed.
4. The Tenants vacated the rental unit on October 23, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
5. The lawful rent is \$3,112.00. It was due on the 1st day of each month.
6. The Tenants have not made any payments since the application was filed.
7. The rent arrears owing to October 23, 2023, are \$27,249.13.
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 \$3,000.00 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 \$165.45 is owing to the Tenants for the period from February 1, 2021, to October 23, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of October 23, 2023, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$24,269.68. 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 March 3, 2024, the Tenants will start to owe interest. This will be simple interest calculated from March 4, 2024, at 7.00% annually on the balance outstanding.

February 21, 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	\$27,249.13
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	- \$3,000.00
Less the amount of the interest on the last month's rent deposit	- \$165.45
Less the amount the Landlord owes the Tenants 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	\$24,269.68