



OCT 12, 2023

Evan Shemtov

Landlord and Tenant Board

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

Citation: Chadha v Bifolchi, 2023 ONLTB 67128

Date: 2023-10-12

File Number: LTB-L-005037-23

In the matter of: UPPER LEVEL, 15243 REGIONAL ROAD
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BOLTON ON L7E3H9

Between: Jatinder Singh Chadha, Karnail Singh Landlords
Wilasra, Tejinder Kaur Chadha and
Karamjeet Kaur Wilasra

And

Daniel Bifolchi and Tracy Lynn Bifolchi Tenants

Jatinder Singh Chadha, Karnail Singh Wilasra, Tejinder Kaur Chadha and Karamjeet Kaur Wilasra (the 'Landlords') applied for an order to terminate the tenancy and evict Daniel Bifolchi and Tracy Lynn Bifolchi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlord Jatinder Singh Chadha attended the hearing.

As of 1:55pm, 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 Landlords' evidence.

Determinations:

1. The Landlords served the Tenants with an invalid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) as it failed to include the rental unit ("upper level" or "main house") in accordance with s. 43(1)(a) of the *Residential Tenancies Act, 2006* (the "Act"). The N4 notice also included the wrong rental address as it states "15243 Highway 50" rather than "15243 Regional Road 50" as in the amended application which the Landlord confirmed is the correct rental address in the hearing. Since the Tenants already vacated the rental unit and the Landlord is not seeking termination, a valid N4 notice of termination is no longer required.
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 March 14, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,750.00. 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 March 14, 2023 are \$11,165.74.
7. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of March 14, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$11,351.74. 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. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlords the full amount owing on or before October 23, 2023, the Tenants will start to owe interest. This will be simple interest calculated from October 24, 2023 at 7.00% annually on the balance outstanding.

October 12, 2023
Date Issued

Elan Shemtov

Elan Shemtov

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	\$11,165.74
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords 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	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlords owe 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 Landlords	\$11,351.74