



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

Citation: Kamalpour v Ryan kenneth michaeil, 2024 ONLTB 14725

Date: 2024-02-23

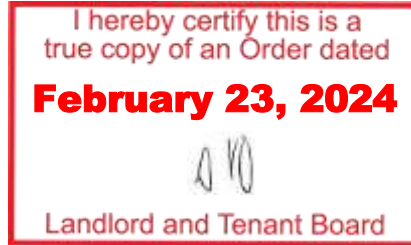
File Number: LTB-L-030933-23

In the matter of: Basement, 262 PAXTON CRES
NEWMARKET ON L3X2C4

Between: Hekmat Kamalpour
Bahareh ghorbannia

And

Toms Ryan kenneth michaeil
Jade Thelwell



Landlord

Tenant

Hekmat Kamalpour and Bahareh ghorbannia (the 'Landlord') applied for an order to terminate the tenancy and evict Toms Ryan kenneth michaeil and Jade Thelwell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (the L1 application).

As well, the Landlord applied for an order to terminate the tenancy and evict the Tenant because: the Tenant, another occupant of the rental unit or a person the Tenant permitted in the residential complex has seriously impaired the safety of any person and the act or omission occurred in the residential complex; the Tenant, another occupant of the rental unit or someone the Tenant permitted in the building has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord in a building that has three or fewer residential units and the Landlord resides in the building; and the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date (the L2 application)..

The applications were heard by videoconference on January 29, 2024.

Only the Landlord's legal representative, Daniel Yousefian Amirkhiz, attended the hearing.

As of 2:25 p.m., the Tenant was 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 Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on July 1, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,100.00. It was due on the 12th day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to July 1, 2023 are \$26,500.00.
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 \$2,100.00 from the Tenant 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 \$63.86 is owing to the Tenant for the period from November 12, 2022 to July 1, 2023.
10. The Landlord did not make any submissions or provide any evidence with respect to the L2 application, which I deemed that the Landlord abandoned for this reason.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of July 1, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$9,102.94. 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 March 5, 2024, the Tenant will start to owe interest. This will be simple interest calculated from March 6, 2024 at 7.00% annually on the balance outstanding.
4. The L2 application is dismissed as abandoned.



February 23, 2024
Date Issued

Sean Henry
Vice Chair, 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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$11,080.80
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,100.00
Less the amount of the interest on the last month's rent deposit	- \$63.86
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$9,102.94