



Order under Section 69 Residential Tenancies Act, 2006

Citation: Muhammad Khan v Andrew Rego, 2023 ONLTB 44632

Date: 2023-06-16

File Number: LTB-L-006180-23

In the matter of: 19 TILLINGHAST LANE
SCARBOROUGH ON M1J0A8

Between: Muhammad Khan

And

Andrew Rego
Kaitlyn Harris

I hereby certify this is a
true copy of an Order dated
Jun 16 2023
Landlord and Tenant Board

Landlord

Tenants

Muhammad Khan (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Rego and Kaitlyn Harris (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on June 8, 2023.

The Landlord, the Landlord's Representative, Marc Goldgrub and the Tenants attended the hearing.

Determinations:

1. The Landlord served the Tenants with an invalid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) because the part of the rent arrears claimed on the N4 Notice dated December 21, 2022 was already resolved by order HOL-12493-21 issued on October 31, 2022. That order covered rent owing for the period ending October 31, 2022. Although the Landlord claims that the order issued on October 31, 2022 is not enforceable because one of the Tenant's name is incorrectly cited, it doesn't render the N4 Notice a valid notice. An amendment nor a review is properly before me. Since the N4 Notice is void, I have no jurisdiction to order eviction for non payment of rent.
2. The Landlord requested to convert the L1 application for arrears and eviction to a L9 application for arrears only which is allowed under the Act.
3. The lawful rent is \$2,200.00. It is due on the first day of each month.
4. The Tenants has not made any payments since the application was filed.
5. The Landlord is not seeking rent charge for February 2023 rent period because they communicated with the Tenants that the Landlord has applied a credit equal to one months rent for rent period February 2023 to comply with section 48.1 of the Act which requires a landlord to pay one month compensation if a N12 Notice of termination is given.

6. The rent arrears owing to June 30, 2023 are \$15,400.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Tenants both verified the correct spelling of their legal name which is reflected on the style of cause of this order.

It is ordered that:

1. The Tenants shall pay the Landlord \$15,586.00 which represents the rent arrears owing from November 1, 2022 to June 30, 2023 and the cost of the application fee..
2. If the Tenants do not pay the Landlord the full amount owing on or before June 27, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 28, 2023 at 6.00% annually on the balance outstanding.
3. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.

June 16, 2023

Date Issued


Sandra Macchione
Member, Landlord and Tenants Board

15 Grosvenor Street, 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.