



Jan 16, 2024

Landlord and Tenant Board

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

Citation: Maulik v Dorion, 2024 ONLTB 3590

Date: 2024-01-16

File Number: LTB-L-026384-23

In the matter of: 66 PORTLAND ST
COLLINGWOOD ON L9Y3Z6

Between: Desai Maulik and Deesha Patel Landlord

And

Crystal Dorion Tenant

Desai Maulik and Deesha Patel (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Dorion (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 Tenant because she has been persistently late in paying her rent. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on December 6, 2023.

Only the Landlord's Legal Representative, F. Alfano attended the hearing.

As of 1:56 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:

L1 Application – Non-Payment of Rent

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 Landlord's Agent submitted at the hearing that the Tenant moved out of the rental unit on October 26, 2023. The Landlord's Agent testified that the Tenant had informed the Landlord that they had moved out on October 26, 2023 and the Landlord was provided with the keys to the unit. The Landlord conducted a post-moveout inspection and confirmed vacant possession of the unit.

4. Based on the Landlord's uncontested evidence, I find that the Tenant vacated the rental unit on October 26, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent is \$3,500.00. It was due on the 20th day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to October 26, 2023 are \$25,205.49.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

L2 Application – Persistent Late Payment of Rent

1. It is not necessary to proceed with this application because the Tenant has already vacated the rental unit. Therefore, termination of the tenancy was already accomplished as sought by the Landlord in this application.

It is ordered that:

L1 Application – Non-Payment of Rent

1. The tenancy between the Landlord and the Tenant is terminated as of October 26, 2023, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$25,391.49. 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. 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 January 27, 2024, the Tenant will start to owe interest. This will be simple interest calculated from January 28, 2024 at 7.00% annually on the balance outstanding.

L2 Application – Persistent Late Payment of Rent

1. The Landlord's L2 application is dismissed.

January 16, 2024
Date Issued



Christopher Lin
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 Tenant must pay as the tenancy is terminated

| | |
|--|--------------------|
| Rent Owing To Move Out Date | \$25,205.49 |
| 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 | - \$0.00 |
| Less the amount of the interest on the last month's rent deposit | - \$0.00 |
| 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 | \$25,391.49 |