

Order under Subsection 87(1)
Residential Tenancies Act, 2006

File Number: CEL-99282-21

In the matter of: 551, 60 ANN O'REILLY ROAD
TORONTO ON M2J0C8

Between: Sandhya Kumarasinghe Landlords
Sumith Kumarasinghe
Del Condominium Rentals Inc.

and

Mellesa Henderson Tenant

Sandhya Kumarasinghe, Sumith Kumarasinghe and Del Condominium Rentals Inc. (the 'Landlords') applied for an order requiring Mellesa Henderson (the 'Tenant') to pay the rent that the Tenant owes.

The Landlords also claimed NSF cheque charges and related administration charges.

This application was heard via video/teleconference on August 19, 2021.

The Landlord's Legal Representative Edwin Sudasivan and the Tenant attended the hearing.

Determinations:

1. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Landlords and the Tenant signed an agreement to terminate the tenancy as of February 28, 2021, and the Tenant moved out of the rental unit by the termination date set out in the agreement.
3. The L3 application to end the tenancy and evict the Tenant is moot.
4. The Tenant did not pay the total rent the Tenant was required to pay for the period from December 1, 2020 to February 28, 2021.
5. The Landlords incurred charges of \$30.00 for cheque(s) tendered by or on behalf of the Tenant, which were returned NSF and \$40.00 for related administration charges.
6. The Tenant paid \$200.00 after the application was filed.
7. The Landlord collected a rent deposit of \$1900.00 from the Tenant and this deposit is still being held by the Landlord.

8. The Landlord submitted a L1.L9 Information Update form documenting the total amount of rent arrears now owing by the Tenant to the Landlord for the period ending February 28, 2021 was \$4,500.00.
9. Based on contested testimony of the parties, I am satisfied on a balance of probabilities that as of the hearing date, that the Tenant owes to the Landlord up to the period ending February 28, 2021, rent arrears of \$4,500.00, plus the Landlords' application cost of \$201.00, and the claimed \$70.00 for fees and administration charges related to NSF cheques for a total payable of \$4,771.00.

It is ordered that:

1. The Tenant shall pay to the Landlord \$2,600*, which represents the amount of rent owing and compensation up to February 28, 2021, less the rent deposit.
2. The Tenant shall also pay to the Landlords \$70.00, which represents the total charges related to NSF cheques tendered to the Landlords by or on behalf of the Tenant
3. The Tenant shall also pay to the Landlords \$201.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlords the full amount owing on or before August 31, 2021, the Tenant will start to owe interest. This will be simple interest calculated from September 1, 2021 at 2.00% annually on the balance outstanding.
5. If the Tenants do not pay the Landlord the full amount owing* on or before September 1, 2021, the Landlord shall have the right, at any time thereafter to collect from the Tenants the full amount owing or any balance outstanding as a result of this order.

August 23, 2021
Date Issued

Randy Aulbrook
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.