



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

**Citation:** Sharma v Finian, 2023 ONLTB 15356

**Date:** 2023-01-18

**File Number:** LTB-L-044966-22

**In the matter of:** 18 Modesto Cres  
Brampton ON L6P1N4

**Between:** Vijay Sharma Landlord

**And**

D'silva Marcel Finian Tenant

Vijay Sharma (the 'Landlord') applied for an order to terminate the tenancy and evict D'silva Marcel Finian (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on January 11, 2023. Only the Landlord's Legal Representative, V. Sharma, attended the hearing.

As of 1:13 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. On May 31, 2022, the Landlord gave the Tenant a Notice to End your Tenancy at the End of the Term (N8) with a termination date of July 31, 2022. The Landlord alleged in the notice that since the unit was rented to the Tenant on June 1, 2021, the Tenant has failed to pay the rent on time.
2. The Tenant vacated the rental unit on December 22, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant on several occasions failed to pay the rent in full on the first day of the month.
4. Therefore, I find that the Tenant has persistently failed to pay the rent on the date it was due.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

1. The tenancy is terminated as of December 22, 2022, the date the Tenant gave vacant possession of the rental unit to the Landlord.
2. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.

3. If the Tenant does not pay the Landlord the full amount owing on or before February 18, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 19, 2023 at 5.00% annually on the balance outstanding.

**January 18, 2023**

**Date Issued**

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Member, Landlord and Tenant 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.