



JAN 25, 2024

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

Citation: Upadhyay v Hockley, 2024 ONLTB 6568

Date: 2024-01-25

File Number: LTB-L-039938-23

In the matter of: 174 THRUSHWOOD DR
BARRIE ON L4N0Z1

Between: Vinay Upadhyay Landlords
Ayushi Shukia

And

Gordan Hockley Tenants
George Tuttle

Vinay Upadhyay and Ayushi Shukia (the 'Landlords') applied for an order to terminate the tenancy and evict Gordan Hockley and George Tuttle (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 15, 2024.

Only the Landlord, Vinay Upadhyay and the Landlords' representatives, Felicia Nero and Jordan Nieuwhof attended the hearing. As of 9:36 a.m., the Tenants were 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 Landlords' evidence.

Determinations:

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on September 15, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,600.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to September 15, 2023 are \$9,122.20.

7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$2,600.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$74.44 is owing to the Tenants for the period from July 25, 2022 to September 15, 2023.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of September 15, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$6,633.76. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlords owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants does not pay the Landlords the full amount owing on or before February 5, 2024, the Tenants will start to owe interest. This will be simple interest calculated from February 6, 2024 at 7.00% annually on the balance outstanding.

January 25, 2024
Date Issued



Camille Clyne
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 Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$9,122.20
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,600.00
Less the amount of the interest on the last month's rent deposit	- \$74.44
Total amount owing to the Landlords	\$6,633.76