



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

**Citation:** Hewit v Rubal, 2023 ONLTB 17904

**Date:** 2023-01-31

**File Number:** LTB-L-025973-22

**In the matter of:** 706, 3577 DERRY RD E  
MISSISSAUGA ON L4T1B3

**Between:** Henry Hewit Landlords  
Noharie Hewit

**And**

Gian Kaur Dara Tenants  
Perminder Kaur Dara  
Perminder Kaur Rubal

Henry Hewit and Noharie Hewit (the 'Landlords') applied for an order to terminate the tenancy and evict Gian Kaur Dara, Perminder Kaur Dara and Perminder Kaur Rubal (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. Also, because the Landlord requires possession of the rental unit for their own personal occupation.

This application was heard by videoconference on January 25, 2023. Only the Landlord's legal representative, Shikha Kapoor, attended the hearing. As of 11:28am, 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 Landlord's evidence.

At the hearing, the Landlord requested the consent of the Board to withdraw their L2 application for personal use on the basis that the Tenants had already vacated the rental unit by the hearing date. The Landlord therefore only requested an order for the unpaid rent.

**Determinations:**

1. In accordance with subsection 200(4) of the *Residential Tenancies Act, 2006* (the 'Act') the Board consents to the withdrawal of the L2 application.
2. The Tenants did not pay the rent they were required to pay to the Landlord for the period of January 1, 2022 to August 15, 2022.
3. The Tenants were in possession of the rental unit on the date the application was filed.

4. The Tenants vacated the rental unit on August 15, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
5. The lawful rent is \$2,000.00. It was due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.

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7. The rent arrears owing to August 15, 2022 are \$9,286.25.
8. The rent arrears were calculated on the basis that the Tenants were provided a credit of one month's rent for the service of the N12 Notice of termination for the Landlords own use. This amount was already accounted for as a credit when the Landlord filed their applications. Accordingly, there is no reason to make any further deductions from the amount the Tenants owe.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$2,000.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
11. Interest on the rent deposit, in the amount of \$34.39 is owing to the Tenants for the period from March 11, 2020 to August 15, 2022.

**It is ordered that:**

1. The Landlord's L2 application is withdrawn.
2. The tenancy between the Landlord and the Tenants is terminated as of August 15, 2022, the date the Tenants moved out of the rental unit
3. The Tenants shall pay to the Landlord \$7,437.86. 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 Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
4. If the Tenants do not pay the Landlord the full amount owing on or before February 11, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 12, 2023 at 5.00% annually on the balance outstanding.

**January 31, 2023**

**Date Issued**

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Terri van Huisstede  
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.

\*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

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**Schedule 1  
SUMMARY OF CALCULATIONS**

**A. Amount the Tenants must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$9,286.25
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenants paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,000.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$34.39
<b>Less</b> the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenants are entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$7,437.86</b>

