



Order under Section 69
Residential Tenancies Act, 2006

Citation: Kothala v Ledoux, 2023 ONLTB 26629

Date: 2023-03-29 File Number: TEL-12782-20/LTB-L-074076-22

In the matter of: Basement, 135 Preston St
Scarborough ON M1N3N4

Between: Jaya Trinath Kumar Kothala Landlord

And

Justin Ledoux and Violet Paul Tenant

Jaya Trinath Kumar Kothala (the 'Landlord') applied for an order to terminate the tenancy and evict Justin Ledoux and Violet Paul (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (L1 Application). The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused undue damage to the premises (L2 Application).

This application was heard by videoconference on October 4, 2022. Only the Landlord and the Landlord's legal representative Bryan Rubin attended the hearing.

Determinations:

L2 Application

1. At the hearing, the Landlord requested to withdraw the L2 application and the Board consented to the request. The application is withdrawn.

L1 Application

2. 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.
3. The Tenant was in possession of the rental unit on the date the application was filed.
4. The Tenant vacated the rental unit on November 20, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent is \$1,550.00. It was due on the 1st day of each month.
6. The daily compensation rate is \$50.96.

7. The Tenant has not made any payments since the application was filed.
8. The rent arrears owing to November 20, 2022 are \$9,443.27.

File Number: LTB-L-074076-22

9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$1,550.00 from the Tenant 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 \$68.96 is owing to the Tenant for the period from January 6, 2019 to November 20, 2022.

It is ordered that:

1. The L2 Application is dismissed.
2. The tenancy between the Landlord and the Tenant is terminated as of November 20, 2022, the date the Tenant moved out of the rental unit
3. The Tenant shall pay to the Landlord \$8025.31. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing. 4. If the Tenant does not pay the Landlord the full amount owing on or before April 9, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 10, 2023 at 5.00% annually on the balance outstanding.

March 29, 2023

Date Issued

John Tzanis

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.

File Number: LTB-L-074076-22

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$9,443.27
Application Filing Fee	\$201.00
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	- \$1,550.00
Less the amount of the interest on the last month's rent deposit	- \$68.96
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	\$8,025.31

2023 ONL/TB 26629 (CanLII)