



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-23492-21

In the matter of: 601, 20 ERIE AVENUE
HAMILTON ON L8N2W6

Between: The Effort Trust Company Landlord

and

Abhigna Mistry Tenant

The Effort Trust Company (the 'Landlord') applied for an order to terminate the tenancy and evict Abhigna Mistry (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed administration charges related to NSF cheques.

This application was heard by videoconference on September 28, 2021. Only the Landlord's Legal Representative, Kimberly Holleran, attended the hearing. As of 10:14 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from June 1, 2021 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective July 4, 2021.
2. The Landlord incurred charges of \$80.00 for administration charges related to cheques tendered by or on behalf of the Tenant, which were returned NSF.
3. The Tenant vacated the rental unit on September 24, 2021. The Tenant was in possession of the rental unit on the date the application was filed.
4. The lawful monthly rent was \$949.00.
5. The Tenant has made no payments since the application was filed.
6. The Landlord collected a rent deposit of \$949.00 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenant for the period from August 6, 2020 to July 4, 2021.

It is ordered that:

1. The Tenancy is terminated as of September 24, 2021, the date the Tenant gave vacant possession of the rental unit to the Landlord.
2. The Tenant shall pay to the Landlord **\$2,762.33***, which represents the amount of rent owing and compensation up to September 24, 2021 and the total charges related to NSF cheques tendered to the Landlord by or on behalf of the Tenant, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord **\$186.00** for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing* on or before October 23, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 24, 2021 at 2.00% annually on the balance outstanding.

October 12, 2021
Date Issued

Michael Di Salle
Michael Di Salle
Member, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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

* Refer to section A on the attached Summary of Calculations.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	June 1, 2021 to July 4, 2021	\$1,073.80
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 5, 2021 to September 24, 2021	\$2,558.40
Less the rent deposit:		-\$949.00
Less the interest owing on the rent deposit:	August 6, 2020 to July 4, 2021	-\$0.87
Administration charges related to NSF cheque charges:		\$80.00
Amount owing to the Landlord on the order date:(total of previous boxes)		\$2,762.33
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay the Landlord as the tenancy is terminated:		\$2,948.33

2021 CanLII 142420 (ON LTB)