



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

Citation: Kannan v Saunders, 2024 ONLTB 2641

Date: 2024-01-09

File Number: LTB-L-040724-23

2024 ONLTB 2641 (CanLII)

In the matter of: 49 VERONA ST
KITCHENER ON N2R1T9

Between: Raj Kannan and Lakshmi Rajkannan Landlords

And

Michael Saunders and Sherry Saunders Tenants

Raj Kannan and Lakshmi Rajkannan (the 'Landlords') applied for an order to terminate the tenancy and evict Michael Saunders and Sherry Saunders (the 'Tenants') because

- the Tenants did not pay the rent that the Tenants owe; and
- the Tenants have been persistently late in paying the Tenants' rent.

This application was heard by videoconference on December 20, 2023.

Only the Landlords and the Landlords' Legal Representative Abraar Unia attended the hearing.

As of 1:48pm, 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:

L1 Application – Non-Payment of Rent

1. The Landlords served the Tenants with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). At the hearing, I raised an issue with the N4 Notice. The Notice had only been served on one Tenants, Sherry Saunders. However, as the Tenants vacated the

rental unit prior to the hearing, the validity of the N4 Notice was moot. 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 December 9, 2023. The Landlord's representative testified that on December 4, 2023, the Landlords received a notification from the hydro company that the electricity for the rental unit had been shut off. On December 9, 2023, the Landlords inspected the rental unit. When they inspected the unit, they found the door wide open and no signs that anyone was living there. Based on the uncontested evidence before me, I am satisfied that as of December 9, 2023, the Tenants had vacated the rental unit. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,765.00. It was due on the 1st day of each month.
5. The Tenants have paid \$5,400.00 to the Landlords since the application was filed.
6. The rent arrears owing to December 9, 2023 are \$17,278.10.
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 \$2,700.00 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 \$102.82 is owing to the Tenants for the period from June 2, 2022 to December 9, 2023. L2 Application – Persistent Late Payment of Rent
10. As the Tenants have vacated the rental unit, the L2 application is moot.
11. As a result, the Landlords sought permission to withdraw the L2 application.

It is ordered that:

L1 Application – Non-Payment of Rent

1. The tenancy between the Landlords and the Tenants is terminated as of December 9, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$14,661.28. 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 January 20, 2024, the Tenants will start to owe interest. This will be simple interest calculated from January 21, 2024 at 7.00% annually on the balance outstanding.

L2 Application – Persistent Late Payment of Rent

4. The L2 application is withdrawn.

January 9, 2024

Date Issued

Angela Long

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	\$22,678.10
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$5,400.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,700.00
Less the amount of the interest on the last month's rent deposit	- \$102.82
Less the amount the Landlords owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlords	\$14,661.28

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