



**Order under Section 69 / 88.2  
Residential Tenancies Act, 2006**

**Citation:** Patel v Alward, 2024 ONLTB 21042

**Date:** 2024-03-27

**File Number:** LTB-L-073606-22

**In the matter of:** BASEMENT, 1978 HUNKING DR  
OSHAWA ON L1K0V1

**Between:** Anjanaben Patel Landlords  
Tyrrel Mohan

**And**

Tanner Alward Tenants  
Taylor Smith

Anjanaben Patel and Tyrrel Mohan (the 'Landlords') applied for an order to terminate the tenancy and evict Tanner Alward and Taylor Smith (the 'Tenants') because:

- the Tenants have not paid the rent that they owe; (L1 Application) and
- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlords or another Tenants. (L2 Application)

The Landlords also applied for an order requiring the Tenants to pay the Landlords' reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

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

Only the Landlords attended the hearing.

As of 10:19 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.

The Tenants vacated the rental unit on July 15, 2023, making the applications for eviction moot. However, the Board retains jurisdiction to make orders for compensation.

**L1 Determinations:**

1. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants vacated the rental unit on July 15, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.

3. The lawful rent is \$1,500.00. It was due on the 1st day of each month.
4. The Tenants have not made any payments since the application was filed.
5. The rent arrears owing to July 15, 2023 are \$14,552.95.
6. The Landlords are entitled to \$20.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenants which were returned NSF.
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 \$1,500.00 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. The Landlords initially indicated that the rent deposit had been applied to September or October 2022, however, in accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy. The amount of rent arrears and the amount of the rent deposit were amended accordingly.
9. Interest on the rent deposit, in the amount of \$23.32 is owing to the Tenants for the period from December 1, 2022 to July 15, 2023.

## L2 Determinations

10. As explained below, the Landlords have proven on a balance of probabilities the grounds for the claim for compensation in the application. Therefore, the Tenants must pay the Landlords \$556.84.
11. On November 8, 2022, the Landlords gave the Tenants an N5 notice of termination. The notice of termination contains the following allegations: the Tenants did not pay the utilities totalling \$493.15.
12. The Tenants did not correct the omission within seven days after receiving the N5 notice of termination. Therefore, the Tenants did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).
13. The Tenants failed to pay heat, electricity and water costs that they were required to pay under the terms of the tenancy agreement.
14. The Landlords have incurred or will incur reasonable out-of-pocket expenses of \$556.84 as a result of the Tenants' failure to pay heat, electricity and water costs as detailed in the chart below.

Durham Water Utility	October 25, 2022	\$198.21
Enbridge Gas	July 22, 2022	\$4.80
Oshawa PUC	November 7, 2022	\$51.15
Enbridge Gas	September 23, 2022	\$28.37
Enbridge Gas	October 24, 2022	\$39.25

Enbridge Gas	November 22, 2022	\$63.76
Oshawa PUC	August 9, 2022	\$18.54
Oshawa PUC	September 8, 2022	\$72.47
Oshawa PUC	October 12, 2022	\$56.90
Enbridge Gas	August 24, 2022	\$23.29

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated as of July 15, 2023, the date the Tenants moved out of the rental unit.
2. The Tenants owe \$14,552.95 to the Landlords for rent arrears owing up to the date they moved out of the rental unit, and \$20.00 for unpaid NSF charges.
3. The Tenants shall also pay to the Landlords \$556.84, which represents the reasonable out-of-pocket expenses the Landlords have incurred or will incur as a result of the unpaid utility costs.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. The Landlords owes \$1,523.32 which is the amount of the rent deposit and interest on the rent deposit, and this is deducted from the amount owing by the Tenants.
6. The total amount the Tenants owe the Landlords is \$13,792.47. See Schedule A for calculation details.
7. If the Tenants do not pay the Landlords the full amount owing on or before April 7, 2024, the Tenants will start to owe interest. This will be simple interest calculated from April 8, 2024 at 7.00% annually on the balance outstanding.

**March 27, 2024****Date Issued**\_\_\_\_\_  
Dawn Carr

Member, Landlord and Tenant Board

15 Grosvenor Street, 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	\$14,552.95
Application Filing Fee	\$186.00
NSF Charges	\$20.00
<b>Less</b> the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,500.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$23.32
Unpaid utility costs	\$556.84
<b>Total amount owing to the Landlords</b>	<b>\$13,792.47</b>