



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

Citation: Vassighi v Barnes, 2024 ONLTB 1592

Date: 2024-01-08

File Number: LTB-L-024971-22

In the matter of: BASEMENT, 275 HOUNSLOW AVE
NORTH YORK ON M2N2B7

Between: Houman Vassighi and Mohaddesseh Azimlu Landlords
Shanjani

And

Destiny Ann Tiffany Barnes and Alexander Tenants
MacKenzie

Houman Vassighi and Mohaddesseh Azimlu Shanjani (the 'Landlords') applied for an order to terminate the tenancy and evict Destiny Ann Tiffany Barnes and Alexander MacKenzie (the 'Tenants') because

- the Tenants did not pay the rent that the Tenants owe.
- 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 tenant.

The Landlord claimed compensation for each day the Tenants remained in the unit after the termination date.

The Landlords also applied for an order requiring th 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 December 20, 2023.

The Landlord's Representative, Ali Golabgir and the Tenants attended the hearing.

The Tenants request for adjourn the hearing because the LTB did not serve them the Notice of hearing and they needed additional time to prepare. The request was denied since the Landlord

served the Tenants an L1/L9 update Form and the Tenants confirmed they were prepared to proceed on that issue.

Determinations:

L2 Application:

N5 Notice:

1. The Landlords' application for eviction based on N5 Notices of termination is moot since the Tenants no longer occupy the rental unit.

Utility Costs:

2. The Landlord requested the Board's consent to withdraw their L2 application filed under section 88.2 of the Act for unpaid utility costs.
3. In accordance with subsection 200(4) of the Act, I consent to the withdrawal of the application.

L1 Application:

4. The Tenants were in possession of the rental unit on the date the application was filed.
5. The Tenants vacated the rental unit on July 2, 2022. Landlords however seek rent arrears calculated up to July 1, 2022.
6. The lawful rent is \$1,580.00. It was due on the 2nd day of each month.
7. The Tenants have not made any payments since the application was filed.
8. The rent arrears owing to July 1, 2022 are \$13,320.00.
9. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlords collected a rent deposit of \$1,580.00 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 \$72.76 is owing to the Tenants for the period from December 30, 2018 to July 1, 2022.
12. The Tenants requested 18 months to pay the arrears which is unreasonable since they vacated July 2, 2022 almost 18 months ago and have made no payments to date.

It is ordered that:

1. The L2 application is dismissed.
2. The tenancy between the Landlords and the Tenants is terminated as of July 2, 2022, the date the Tenants moved out of the rental unit.
3. The Tenants shall pay to the Landlords \$11,853.24. 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 owe 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 Landlords the full amount owing on or before January 31, 2024, the Tenants will start to owe interest. This will be simple interest calculated from February 1, 2024 at 7.00% annually on the balance outstanding.

January 8, 2024

Date Issued

Sandra Macchione

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	\$13,320.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlords since the application was filed	- \$0.00
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	- \$1,580.00
Less the amount of the interest on the last month's rent deposit	- \$72.76
Less the amount the Landlords owe the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlord	\$11,853.24