



## **Order under Section 87 Residential Tenancies Act, 2006**

**Citation:** MPCT DIF DAM WEST 22 Inc v Gharwal, 2024 ONLTB 7673

**Date:** 2024-01-31

**File Number:** LTB-L-014106-23

**In the matter of:** 2301, 22 John Street  
Toronto Ontario M9N0B1

**Between:** MPCT DIF DAM WEST 22 Inc Landlord

**And**

Saleman Gharwal Former Tenant  
Veeda Nasimi

MPCT DIF DAM WEST 22 Inc (the 'Landlord') applied for an order requiring (the 'Former Tenant') to pay the rent and daily compensation that the Former Tenant owes.

This application was heard by videoconference on January 4, 2024.

Only the Landlord's legal representative, Sam Ursino, attended the hearing.

### **Determinations:**

1. As explained below, the Landlord proved the allegations contained in the application on a balance of probabilities. Therefore, the Tenant owes the Landlord \$3,440.00.
2. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing at least 30 days before the hearing in accordance with Rule 3.3 of the LTB's Rules of Procedure.
3. I am satisfied that the Landlord served the Former Tenant with the application and Notice of Hearing using a method permitted in subsection 191(1.0.1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 3.3 of the LTB's Rules of Procedure.

4. These documents were served on November 22, 2023. The Former Tenant was served the documents by mail to the Former Tenant's current address. The Landlord's legal representative did a driver's license search inquiry and found the Former Tenant's address.
5. The Former Tenant vacated the rental unit on July 31, 2022.
6. The application was filed within one year after the Former Tenant ceased to be in possession of the rental unit.

Rent and compensation owing

8. Based on the rent, the daily rent/compensation is \$0.00. This amount is calculated as follows: \$ x , divided by 365 days.
9. The Former Tenant has not made any payments since the application was filed.
10. The rent arrears and daily compensation owing to are \$3,239.40.
11. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
14. There is no last month's rent deposit.
15. With the uncontested evidence before me and on a balance of probabilities I find the Landlord has met the burden to support his claim in the application.
16. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
17. This order contains all reasons for the determinations and order made. No further reasons will be issued.

**It is ordered that:**

1. The Former Tenant shall pay to the Landlord \$3,239.40, which represents rent and compensation owing up to .
2. The Former Tenant shall pay to the Landlord \$201.00 for the cost of filing the application.
3. The total amount the Former Tenant owes the Landlord is \$3,440.40\*. See Schedule 1 for the calculation of the amount owing.

**File Number:** LTB-L-014106-23

4. If the Former Tenant does not pay the Landlord the full amount owing on or before February 11, 2024, the Former Tenant will start to owe interest. This will be simple interest calculated from February 12, 2024 at 7.00% annually on the balance outstanding.

**January 31, 2024**

**Date Issued**

---

Greg Brocanier

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.

\* Refer to the attached Summary of Calculations.

2024 ONL TB 7673 (CanLII)

**Schedule 1 SUMMARY  
OF CALCULATIONS**

**Amount the Former Tenant must pay the Landlord:**

Rent and Compensation Owing To	\$3,239.40
Application Filing Fee	\$201.00
Total amount owing to the Landlord	\$3,440.40