



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

**Citation:** Hadani v Goncalves, 2023 ONLTB 62292

**Date:** 2023-09-18

**File Number:** LTB-L-081501-22

**In the matter of:** 1112, 30 ORDNANCE ST TORONTO  
ON M6K0C8

**Between:** Rahim Hadani and Scott Stephenson Landlord

**And**

Barbara Idalina Dasilva Goncalves Tenant

Rahim Hadani and Scott Stephenson (the 'Landlord') applied for an order to terminate the tenancy and evict Barbara Idalina Dasilva Goncalves (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on August 30, 2023.

The Landlord, Rahim Hadani, and the Tenant attended the hearing

**Preliminary Issue:**

*Last Month's Rent Deposit*

1. The Landlord submitted that there is no last month's rent deposit. He testified that he did not receive the full \$2,500.00 from the brokerage that handled the rental application process.
2. The Tenant submitted that she paid first and last month's rent prior to the commencement of her tenancy.
3. The Landlord's L1 application indicates the amount of rent currently on deposit is \$2,500.00 and it was collected July 28, 2022. The Landlord submitted a copy of the lease that indicates "the tenant will pay a rent deposit of \$2,500.00".
4. Based on the evidence before me, I find that it is more likely than not there is a last month's rent deposit of \$2,500.00. The Tenant paid the funds requested for first and last in the amount of \$5,000.00 to execute the lease. How much the Landlord received from the

brokerage is irrelevant and if he is disputing the amount he received, the contest should be with the brokerage.

**Determinations:**

5. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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.
6. The Tenant was in possession of the rental unit on the date the application was filed.
7. The Tenant vacated the rental unit on January 31, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
8. The lawful rent is \$2,500.00. It was due on the 30th day of each month.
9. The Tenant has not made any payments since the application was filed.
10. The rent arrears owing to January 31, 2023 are \$5,000.00.
11. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges and \$20.00 for bank fees the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenant which were returned NSF.
12. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
13. The Landlord collected a rent deposit of \$2,500.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
14. Interest on the rent deposit, in the amount of \$32.19 is owing to the Tenant for the period from July 28, 2022 to January 31, 2023.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of January 31, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$2,693.81. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application and unpaid NSF charges. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before September 29, 2023, the Tenant will start to owe interest. This will be simple interest calculated from September 30, 2023 at 6.00% annually on the balance outstanding.

**September 18, 2023**

**Date Issued**

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Vicky Liu

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 Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$5,000.00
Application Filing Fee	\$186.00
NSF Charges	\$40.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,500.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$32.19
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$2,693.81</b>