



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

Citation: Grbic v Mohabeer, 2023 ONLTB 56652

Date: 2023-08-17

File Number: LTB-L-043828-22

In the matter of: 3, 4311 MANN STREET
NIAGARA FALLS ON L2G0A4

Between: Dusko Grbic and Dragana Grbic Landlord

And

Alicia Mohabeer Tenant

Dusko Grbic and Dragana Grbic (collectively the 'Landlord') applied for an order to terminate the tenancy and evict Alicia Mohabeer (the 'Tenant') because:

- The Tenant did not pay the rent that the Tenant owes (L1 Application).
- The Tenant persistently paid the rent late (L2 application).
- The Landlord also applied for an order requiring the Tenant to pay compensation for the damages caused by her or a person she permitted in the residential complex (L2 Application).

This application was heard by videoconference on July 25, 2023.

The Landlord and their Representative Nilo Grabar attended the hearing

As of 10:03 am, the Tenant was 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 Landlord's evidence.

Determinations:

L1 Application:

1. 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on August 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent was \$2,199.00. It was due on the 1st day of each month.

5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to August 31, 2022 are \$3,398.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,199.00 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.
9. Interest on the rent deposit, in the amount of \$10.12 is owing to the Tenant for the period from April 14, 2022 to August 31, 2022.

L2 Application:

10. The Landlord withdrew their application for persistently late payment of rent.
11. In their L2 application, the Landlord also claimed compensation in the amount of \$305.10 for damage to the unit caused by the Tenant.
12. A window was broken on June 14, 2022, during the term of the lease. It was the inner part of the window that was broken, within the rental unit. The Tenant said it was a friend visiting her that broke the window.
13. Based on the Landlord's uncontested evidence, I am satisfied, on a balance of probabilities, that the Tenant or former Tenant, another occupant of the rental unit or a person permitted in the residential complex by the Tenant or former Tenant wilfully or negligently caused or caused undue damage to the rental unit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of August 31, 2022, the date the Tenant moved out of the rental unit.
2. The Application for persistently late payment of rent is withdrawn.
3. The Tenant shall pay to the Landlord **\$1,374.98**. The Tenant owes the Landlord rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The amount of rent deposit and interest the Landlord owes on the rent deposit has been deducted. See Schedule 1 for the calculation of the amount owing.
4. If the Tenant does not pay the Landlord the full amount owing on or before August 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from August 29, 2023 at 6.00% annually on the balance outstanding.

August 17, 2023
Date Issued

James Campbell
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	\$3,398.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,199.00
Less the amount of the interest on the last month's rent deposit	- \$10.12
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$1,374.98

2023 ONL TB 56652 (CanLII)