



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

Citation: Amin v Vasconcelos, 2023 ONLTB 28274

Date: 2023-07-26

File Number: LTB-L-012684-22

In the matter of: 17 KNOTTY PINE DR
WHITBY ON L1R2J6

Between: Muhammad Azam Amin Landlord

And

Tracy Vasconcelos Tenant

Muhammad Azam Amin (the 'Landlord') applied for an order to terminate the tenancy and evict Tracy Vasconcelos (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

On June 13, 2022, the Board received an Advance Resolution Request Form from the Landlord indicating that the Tenant have vacated the unit and the Landlord seeks arrears only order.

Determinations:

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 June 1, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,650.00. 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 June 1, 2022 are \$13,337.12.

- 7. The Landlord is entitled to \$60.00 to reimburse the Landlord for administration charges and \$144.00 for bank fees the Landlord incurred as a result of 3 cheques given by or on behalf of the Tenant which were returned NSF.
- 8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

File Number: LTB-L-012684-22

- 9. The Landlord collected a rent deposit of \$2,650.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenant for the period from May 15, 2021 to June 01, 2022.

It is ordered that:

- 1. The tenancy between the Landlord and the Tenant is terminated as of June 1, 2022, the date the Tenant moved out of the rental unit
- 2. The Tenant shall pay to the Landlord \$11,077.12. 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. 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 August 29, 2023, the Tenant will start to owe interest. This will be simple interest calculated from August 30, 2023 at 6.00% annually on the balance outstanding.

August 18, 2023 _____ **Date Issued**

Percy Laryea

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.

File Number: LTB-L-012684-22

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$13,337.12
Application Filing Fee	\$186.00
NSF Charges	\$204.00
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	- \$2,650.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
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	\$11,077.12

2023 ONL/TB 28274 (CanLII)