



**Order under Section 78(6)
Residential Tenancies Act, 2006**

Citation: Sukhdeep Jakhar v Natasha Meaney, 2023 ONLTB 35884

Date: 2023-06-22

File Number: LTB-L-007377-23

In the matter of: 5 MEADOWLARK CRES
ST CATHARINES ON L2N2M6

Between: Sukhdeep Jakhar Landlord

And

Libero Tassone and Natasha Meaney Tenants

Sukhdeep Jakhar (the 'Landlord') applied for an order to terminate the tenancy and evict Libero Tassone and Natasha Meaney (the 'Tenant') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on December 5, 2022 with respect to application LTB-L-065936-22.

A hearing was held to consider this application. This application was heard by videoconference on April 26, 2023. Only the Landlord attended the hearing.

As of 2:15 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.

The breach

2. I find that the Tenants have not met the following conditions specified in the order: the Tenants failed to pay the repayment of rent arrears on November 15, 2022 in the amount of \$300.00 and failed to pay the legal monthly rent on the 1st of each month in November and December 2022.

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3. Arrears owing

The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenants to make payments by specific due dates.

4. The Tenants were required to pay \$11,386.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$11,386.00 and that amount is included in this order. This order replaces order LTB-L-065936-22.
5. Since the date of the previous order, the Tenants have failed to pay the full rent that became owing for the period from November 1, 2022 to April 1, 2023.
6. The Tenants vacated the rental property on April 11, 2023.

The rent deposit

7. The Landlord collected a rent deposit of \$2,800.00 from the Tenants and this deposit is still being held by the Landlord.
8. Interest on the rent deposit is owing to the Tenants for the period from February 14, 2021 to April 11, 2023 in the amount of \$50.65.
9. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenant is required to pay.

It is ordered that:

1. Order LTB-L-065936-22 is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated on April 11, 2023, the date the Tenants moved out of the rental property.
3. The Tenants shall pay to the Landlord \$17,947.90*. This amount represents the rent owing up to April 11, 2023 and the cost of filing the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.

4. If the Tenant does not pay the Landlord the full amount owing on or before July 3, 2023, the Tenant will start to owe interest. This will be a simple interest calculated from July 4, 2023 at 6.00% annually on the balance outstanding.

June 22, 2023

Date Issued

 Alicia Johnson
 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.

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Summary of Calculation

Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order	Up to December 31, 2022	\$11,386.00
New Arrears	January 1, 2023 to April 11, 2023	\$9,412.55
New NSF cheque charges and related administration charges		\$0.00
Less the rent deposit:		-\$2,800.00
Less interest on last month's rent deposit		- \$50.65
Total the Tenant must pay the Landlord:		\$17,947.90