



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

Citation: Nishant Desai v Jaida Mei Guan-Armit, 2023 ONLTB 44035

Date: 2023-06-21

File Number: LTB-L-003266-23

In the matter of: 19 HENNESSEY CRES
LINDSAY ON K9V0P2

Between: Nishant Desai Landlord

And

Jaida Mei Guan-Armit and Jason Meneely Tenants

Nishant Desai (the 'Landlord') applied for an order to terminate the tenancy and evict Jaida Mei Guan-Armit and Jason Meneely (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on June 6, 2023.

Only the Landlord attended the hearing with Landlord support Sanjeev Desai (his father).

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on May 31, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$3,000.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to May 31, 2023 are \$18,000.00.

7. The Landlord is entitled to \$120.00 to reimburse the Landlord for administration charges and \$0.00 for bank fees the Landlord incurred as a result of 6 cheques given by or on behalf of the Tenants 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-003266-23

9. The Landlord collected a rent deposit of \$3,000.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
10. Interest on the rent deposit, in the amount of \$44.79 is owing to the Tenants for the period from October 26, 2022 to May 31, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of May 31, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$15,261.21. This amount includes rent arrears owing up to the date the Tenants 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 Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before July 2, 2023, the Tenants will start to owe interest. This will be simple interest calculated from July 3, 2023 at 6.00% annually on the balance outstanding.

June 21, 2023

Date Issued

Margo den Haan

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 Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$18,000.00
Application Filing Fee	\$186.00
NSF Charges	\$120.00
Less the amount of the last month's rent deposit	- \$3,000.00
Less the amount of the interest on the last month's rent deposit	- \$44.79
Total amount owing to the Landlord	\$15,261.21