



Order under Section 69 Residential Tenancies Act, 2006

Citation: Capreit Limited Partnership v Behishta Naeme, 2023 ONLTB 44249

Date: 2023-06-16

File Number: LTB-L-005827-23

In the matter of: 323, 1221 SIMCOE ST OSHAWA
ON L1G4X2

Between: Capreit Limited Partnership Landlord

And

Behishta Naeme Tenant

2023 ONLTB 44249 (CanLII)

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Behishta Naeme (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 8, 2023. Only the Landlord's Legal Representative, N. Sharma, attended the hearing. As of 9:37 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,955.00.
4. Based on the Monthly rent, the daily rent/compensation is \$64.27. This amount is calculated as follows: \$1,955.00 x 12, divided by 365 days.
5. The Tenant has paid \$15,610.00 to the Landlord since the application was filed.
6. The rent arrears owing to June 30, 2023 are \$0.00. As a result, the order will be limited to costs only and not eviction.
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 \$1,955.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

It is ordered that:

1. The Tenant shall pay to the Landlord, \$186.00, for the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before June 27, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 28, 2023 at 6% annually on the balance outstanding.

June 16, 2023
Date Issued

Jitewa Edu
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.