



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

**Citation:** ELM PLACE INC. v Salih, 2023 ONLTB 42672

**Date:** 2023-06-12

**File Number:** LTB-L-019452-22

**In the matter of:** 818, 1441 LAWRENCE AVE E NORTH  
YORK ON M4A1W3

**Between:** ELM PLACE INC. Landlord

**And**

Mohammed Salih Tenant

ELM PLACE INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Mohammed Salih (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant;
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has wilfully or negligently caused damage to the premises.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

ELM PLACE INC. (the 'Landlord') also applied for an order requiring Mohammed Salih (the 'Tenant') to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was heard by videoconference on February 21, 2023.

Only the Landlord's Legal Representative David Ciobotaru and the Landlord's Agent Andrea Jones attended the hearing.

As of 10:10 a.m., 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.

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**Determinations:**

1. At the hearing, the Landlord's Legal Representative informed the Board that the Tenant had paid in full claimed for the damage that was the subject of the application, and that only the filing fee remained outstanding, therefore there is no claim for eviction.

**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 23, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 24, 2023 at 6.00% annually on the balance outstanding.

**June 12, 2023**

**Date Issued**

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Margo den Haan

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.

