



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

**Citation:** Andy Chiu v Daniel Nagora, 2023 ONLTB 42158

**Date:** 2023-06-09

**File Number:** LTB-L-068139-22

**In the matter of:** 3287 PETAWAWA BLVD  
PETAWAWA ON K8H1X7

**Between:** Andy Chiu Landlord

**And**

Daniel Nagora and Trudy Nagora Tenants

Andy Chiu (the 'Landlord') applied for an order to terminate the tenancy and evict Daniel Nagora and Trudy Nagora (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on May 23, 2023.

The Landlord, the Landlord's legal representative, Kayla Quintal ('KQ'), the Tenants' legal representative, Tigran Sandukhchyan ('TS'), and the Tenants attended the hearing.

### **Determinations:**

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,450.00. It is due on the 1st day of each month.
4. The rent arrears owing to May 31, 2023 are \$0.00.
5. TS submitted that the filing fee should not be ordered to be paid to the Landlord because the rent arrears were paid before the hearing date, and he submitted that it was unreasonable conduct for the Landlord to seek recovery of this fee in the circumstances. I disagree. The Tenants were in arrears of rent at the time the Landlord filed the application. When the Landlord incurred this cost, it was reasonable to do so, and the Landlord is entitled to reimbursement of this cost.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

1. The Tenants shall pay the landlord \$186.00.
2. If the Tenants do not pay the Landlord the full amount owing on or before June 20, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 21, 2023 at 6.00% annually on the balance outstanding.

**June 9, 2023**

**Date Issued**

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Mark Melchers

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.

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