Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

Order under Section 69
Residential Tenancies Act, 2006

Citation: Sharma v Labelle, 2023 ONLTB 40348
Date: 2023-06-05
File Number: LTB-L-057482-22

In the matter of:	3111 DANDURAND AVE WINDSOR ON N9E2E7

Between:	5028700 Ontario Inc, Hitender Sharma and Kavita Sharma	Landlords
	And	
	Chantal Labelle and Melissa Cabaldi	Tenants

5028700 Ontario Inc, Hitender Sharma and Kavita Sharma (the 'Landlords') applied for an order to terminate the tenancy and evict Chantal Labelle and Melissa Cabaldi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 13, 2023.

Only the Landlords' representative J Kulikowski attended the hearing.

As of 2:44 pm, the Tenants were 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 Landlords' evidence.

Determinations:

1. The Landlords 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 March 31, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.

4. The lawful rent is $2,700.00. 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 March 31, 2023 are $22,800.00.

7. The Landlords incurred costs of $186.00 for filing the application and are entitled to reimbursement of those costs.

8. The Landlords collected a rent deposit of $2,700.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.

9. Interest on the rent deposit, in the amount of $54.78 is owing to the Tenants for the period from December 1, 2021 to March 31, 2023.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of March 31, 2023, the date the Tenants moved out of the rental unit

2. The Tenants shall pay to the Landlords $20,231.22. 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. The rent deposit and interest the Landlords owe 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 Landlords the full amount owing on or before June 16, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 17, 2023 at 6.00% annually on the balance outstanding.

<u>**June 5, 2023**</u>
Date Issued

_____
Heather Kenny
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.

A. Amount the Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	$22,800.00
Application Filing Fee	$186.00
NSF Charges	$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- $0.00
Less the amount the Tenants paid into the LTB since the application was filed	- $0.00
Less the amount of the last month's rent deposit	- $2,700.00
Less the amount of the interest on the last month's rent deposit	- $54.78
Less the amount the Landlords owe the Tenants for an {abatement/rebate}	- $0.00
Less the amount of the credit that the Tenants are entitled to	- $0.00
Total amount owing to the Landlords	**$20,231.22**