



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

Citation: Alireza Tabrizi v Rita Ditaranto, 2023 ONLTB 39042

Date: 2023-05-31

File Number: LTB-L-070786-22

In the matter of: 5 RUGMAN CRES
SPRINGWATER ON L9X2A2

Between: Alireza Tabrizi Landlord

And

Carlo Losi Tenants
Rita Ditaranto

Alireza Tabrizi (the 'Landlord') applied for an order to terminate the tenancy and evict Carlo Losi and Rita Ditaranto (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 May 11, 2023.

Only the Landlord attended the hearing.

As of 9:44 a.m., 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 Landlord's evidence.

Determinations:

1. The Landlord served the Tenants with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) on November 08, 2022, by dropping off a copy in the mailbox. The Landlord also mailed a copy the same day. The date of termination on the N4 Notice is November 23, 2022.
2. The general requirements for notices of termination are set out in section 43 of the *Residential Tenancies Act, 2006* (the 'Act'). One requirement is that the notice "shall set out

the reasons and details respecting the termination”. The specific requirements for an N4 Notice are set out in section 59 of the Act, one of which is to “set out the amount of rent due and shall specify that the tenant may avoid the termination of the tenancy by paying, on or before the termination date specified in the notice, the rent due as set out in the notice and any additional rent that has become due under the tenancy agreement as at the date of payment by the tenant.”

3. Page one of the N4 Notice lists the total amount of rent arrears owing to November 30, 2022 as \$4,000.00 while page 2 of the N4 Notice lists the total amount of rent arrears

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owing as \$5,500.00. The different amounts create confusion about the rent amounts due and what the Tenants need to pay to void the notice. Given these inconsistencies, I find that the notice is defective.

4. The Landlord was presented with the option to proceed for arrears only with no possibility of termination of the tenancy for this money, or to have the application dismissed without prejudice to begin the process again. The Landlord indicated a preference for an order for arrears only without seeking a termination, and I granted that request.
5. The lawful rent is \$4,000.00. It is due on the 1st day of each month.
6. Based on the Monthly rent, the daily rent/compensation is \$131.51. This amount is calculated as follows: \$4,000.00 x 12, divided by 365 days.
7. The Tenants have paid \$10,500.00 to the Landlord since the application was filed.
8. The rent arrears owing to May 31, 2023 are \$19,000.00.
9. The Landlord is entitled to \$0.00 to reimburse the Landlord for administration charges and \$14.00 for bank fees the Landlord incurred as a result of 2 cheque given by or on behalf of the Tenants which was returned NSF.
10. 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 \$19,200.00 . The amount includes rent arrears up to May 31, 2023, plus the cost of filing the application and the NSF charges.
2. If the Tenants do not pay the Landlord the full amount owing on or before June 11, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 12, 2023 at 6.00% annually on the balance outstanding.

May 31, 2023

Date Issued

Sheena Brar

Member, Landlord and Tenants 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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**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenants must pay for rent arrears till May 31, 2023

Rent Owing To May 31, 2023	\$29,500.00
Application Filing Fee	\$186.00
NSF Charges	\$14.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$10,500.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlord owes the Tenants for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total the Tenants must pay to continue the tenancy	\$19,200.00

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