



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

Citation: D&G Developers Inc. v Yvette Godin, 2023 ONLTB 39868

Date: 2023-05-29

File Number: LTB-L-054561-22

In the matter of: 462 NORWICH AVE
WOODSTOCK ON N4S3W5

Between: D& G Developers Inc. Landlord

And

Lee Thomas and Yvette Godin Tenants

D&G Developers Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Lee Thomas and Yvette Godin (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

The Landlord's agent, R. Gawri, the Tenants, and the Tenants' legal representative J. Roussy, attended the hearing.

Determinations:

1. The Landlord 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,275.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$41.92. This amount is calculated as follows: \$1,275.00 x 12, divided by 365 days.
5. The Tenants have paid \$5,550.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$8,475.00.
7. There is no last month's rent deposit.

Preliminary Issue:

8. The Tenants submit that the application is not valid because the Landlord applied rent payments paid in June, July and August, 2022, to previous past rent arrears.

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9. The Tenants submit that the application should be dismissed because R. Gawri does not have standing to file an application for D & G Developers Inc.
10. The Landlord is entitled to apply rent payments towards past rent owed, and this does not invalidate the Landlord's application.
11. R Gawri (RG) filed and signed the Landlord's L1 application. He said that he is not the Landlord, as he does not own the residential complex, and he does not permit occupancy of a rental unit. RG said that he is a friend of the Landlord, and he helps with collection of the rent. RG is not a licensee of the Law Society of Ontario.
12. I find that RG is entitled to represent the Landlord before the Board, as he testified that he is not paid for his representation at the Board, and he comes before the Board as a friend and authorized agent of the Landlord.
13. However, I find that RG does not have standing to file an L1 application at the Board. He is not the Landlord, nor is he a full time employee of the Landlord. He is not a licensee of the Law Society of Ontario. RG does not qualify as a person entitled to file an application pursuant to section 69(1) of the *Residential Tenancies Act, 2006* (the 'Act'). Consequently, the application filed by RG will be dismissed.

It is ordered that:

1. The L1 application is dismissed.

May 29, 2023

Date Issued

Nancy Morris

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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