



Order under Section 69 Residential Tenancies Act, 2006

Citation: IMH Pool XVII LP v Amirthanantha Nallayya, 2023 ONLTB 38293

Date: 2023-05-25

File Number: LTB-L-065739-22

In the matter of: 1901, 25 COUGAR CRT SCARBOROUGH
ON M1J3E5

Between: IMH Pool XVII LP Landlord

And

Amirthanantha Nallayya and Sindu Lingam Tenant

IMH Pool XVII LP (the 'Landlord') applied for an order to terminate the tenancy and evict Amirthanantha Nallayya and Sindu Lingam (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 10, 2023 at 09:00 am.

Only the Landlord Representative Christine Daniel attended the hearing.

As of 09:30 am, 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.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$975.55. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$32.07. This amount is calculated as follows: \$975.55 x 12, divided by 365 days.
5. The Tenant has paid \$8,684.79 to the Landlord since the application was filed.

6. The rent arrears owing to May 31, 2023 are \$0.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

File Number: LTB-L-065739-22

8. The Landlord collected a rent deposit of \$926.29 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$20.90 is owing to the Tenant for the period from May 1, 2021 to May 10, 2023.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act.
11. Specifically, at the time of the hearing the Landlord Representative submitted that the Landlord would not be seeking an eviction given all that was outstanding was the filing fee.

It is ordered that:

1. The Tenant shall pay to the Landlord \$186.00. This amount includes rent arrears owing up to May 31, 2023 and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before June 05, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 06, 2023 at 6.00% annually on the balance outstanding.
3. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

May 25, 2023

Date Issued

Kelly Delaney

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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay if the payment is made on or before May 31, 2023

Rent Owing To May 31, 2023	\$8,684.79
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$8,684.79
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlord owes the Tenant for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total the Tenant must pay	\$186.00