



## **Order under Subsection 87(1) Residential Tenancies Act, 2006**

**Citation:** Kris Chatarpaul v Floyd Floyd, 2023 ONLTB 39287

**Date:** 2023-05-23

**File Number:** LTB-L-063814-22

**In the matter of:** 2162-A Bay Lake Road Bancroft,  
ON K0L 1C0

**Between:** Kris Chatarpaul Landlord

**And**

Floyd Floyd Tenant

Kris Chatarpaul (the 'Landlord') applied for an order requiring Floyd Floyd (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on April 26, 2023.

Only the Landlord attended the hearing.

As of 2:06 pm, 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:**

#### *Defective N4 Notice of Termination*

1. The Landlord's N4 notice of termination lacked the specific amount of rent charged and paid within the pay period the Landlord has alleged and as such, I made the determination that the Landlord's notice of termination was defective.
2. As such, the Landlord requested that his application be amended to an application under s. 87(1) of the *Residential Tenancies Act, 2006* (the 'Act').

#### *Section 87 Application*

3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The Tenant was in possession of the rental unit on the date the application was filed.

5. The Tenant did not pay the total rent they were required to pay for the period from November 1, 2021 to April 30, 2023.
6. The lawful rent is \$600.00. It is due on the 1st day of each month.

Order Page: 1 of 2



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Commission de la location immobilière

7. The Tenant has not made any payments since the application was filed.
8. The rent arrears owing to April 30, 2023 are \$11,372.17
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

10. The Tenant shall pay to the Landlord \$11,558.17. This amount includes rent arrears owing up to April 30, 2023 and the cost of the application.
11. If the Tenant does not pay the Landlord the full amount owing on or before June 3, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 4, 2023 at 6.00% annually on the balance outstanding.

**May 23, 2023**

**Date Issued**

**Jagger Benham**

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.

