



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

Citation: Benstar (No.3) Limited Partnership c/o Forest Hill Kipling v Prudencio William, 2023
ONLTB 38052
Date: 2023-05-23
File Number: LTB-L-059395-22

In the matter of: 0106, 2069- 2077 PROSPECT ST BURLINGTON
ON L7R1Z4

Between: Benstar (No.3) Limited Partnership c/o Forest Hill Kipling Landlord

And

Prudencio William Tenant

Benstar (No.3) Limited Partnership c/o Forest Hill Kipling (the 'Landlord') applied for an order to terminate the tenancy and evict Prudencio William (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on April 25, 2023.

Only the Landlord's Representative, Joshua Labbe, attended the hearing.

As of 3:15pm, 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:

Preliminary Issue

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The notice identified the building address as a range of addresses rather than identifying the specific building the rental address is located in.
2. Pursuant to section 43(1)(a) of the *Residential Tenancies Act, 2006* (the 'Act'), the rental unit is to be properly identified. I find that since the building number was not properly identified on the N4, the notice served to the Tenant is in breach of section 43(1)(a) of the

Act. Therefore, an order for eviction based on this notice is out of the jurisdiction of the Board.

3. At the hearing, the Landlord chose to proceed with an order for arrears, pursuant to section 87(1) of the Act.

Order Page: 1 of 2



Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

Application

4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The Tenant did not pay the total rent they were required to pay for the period from October 1, 2022 to April 30, 2023.
6. The lawful rent is \$1,670.07. It is due on the 1st day of each month.
7. The Tenant has paid \$10,187.38 to the Landlord after the application was filed.
8. The rent arrears owing to April 30, 2023 are \$1,724.98
9. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges and \$5.00 for bank fees the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenant which were 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 Tenant shall pay to the Landlord \$1,935.98. This amount includes rent arrears owing up to April 30, 2023 and the cost of the application and unpaid NSF charges.
2. 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

Robert Brown
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.

Order Page: 2 of 2