



Order under Section 69 Residential Tenancies Act, 2006

Citation: Regina Brasil v Samuel Miller, 2023 ONLTB 37650

Date: 2023-05-18

File Number: LTB-L-068938-22

In the matter of: 1, 260 DESCHAMPS AVE
VANIER ON K1L5Y8

Between: Regina Brasil Landlord

And

Samuel Miller Tenant

Regina Brasil (the 'Landlord') applied for an order to terminate the tenancy and evict Samuel Miller (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 8, 2023.

Only the Landlord did representative, Allan Kouri, attended the hearing.

As of 10:20 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. The lawful rent is \$1,037.00. It is due on the 1st day of each month.
3. Based on the Monthly rent, the daily rent/compensation is \$34.09. This amount is calculated as follows: \$1,037.00 x 12, divided by 365 days.
4. The Tenant has paid \$6,978.00 to the Landlord since the application was filed.
5. The Tenant has paid the rent arrears owing to May 31, 2023.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. The Tenant has paid \$139.00 towards these costs.
7. The Landlord collected a rent deposit of \$1,000.00 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.

8. Interest on the rent deposit, in the amount of \$35.42 is owing to the Tenant for the period from June 1, 2020 to May 8, 2023.

It is ordered that:

1. The Tenant shall pay to the Landlord \$47.00 representing the balance of the costs of the application fee.
2. If the Tenant does not pay the Landlord the full amount owing on or before May 29, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 30, 2023 at 6.00% annually on the balance outstanding.

May 18, 2023
Date Issued

Richard Ferriss
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.