



Order under Section 69 Residential Tenancies Act, 2006

Citation: Medallion Corporation v Daryl Ely Czar Balala, 2023 ONLTB 38020

Date: 2023-05-17

File Number: LTB-L-010825-23

In the matter of: 2204, 555 Sherbourne Street Toronto
Ontario M4X1W6

Between: Medallion Corporation Landlord

And

Daryl Ely Czar Balala Tenant

Medallion Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Daryl Ely Czar Balala (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 24, 2023.

Only the Landlord's representative S. Korman attended the hearing. As of 2:02pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. 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 \$1,533.55. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$50.42. This amount is calculated as follows: \$1,533.55 x 12, divided by 365 days.
5. The Tenant has paid \$7,480.75 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$112.20.

7. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges and \$20.00 for bank fees the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenant which was returned NSF.

Order Page: 1 of 2

File Number: LTB-L-010825-23

8. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,509.61 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.
10. Interest on the rent deposit, in the amount of \$19.81 is owing to the Tenant for the period from February 1, 2021 to April 24, 2023.
11. Section 83 requires that I consider all the circumstances, including the Tenant's and the Landlord's situations to determine if it would be appropriate to grant section 83 relief from eviction. The Tenant has been making payments and the arrears owing appear to be attributed to the monthly rent increase which has commenced only recently. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), and given the relatively small amount of rent arrears owing as of the day of the hearing (\$112.20), find that it would not be unfair to grant relief from eviction, as per the conditions noted below.

It is ordered that:

1. The Tenant shall pay to the Landlord \$333.20 for arrears of rent up to April 30, 2023 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 on or before May 31, 2023.
3. If not already paid, the Tenant shall pay to the Landlord the monthly rent for May 2023, on or before May 31, 2023.
4. If the Tenant fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after April 30, 2023.

May 17, 2023

Date Issued

Peter Nicholson

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