



**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Jyoti Thakrar v Zenon Stepniewski, 2023 ONLTB 34799

Date: 2023-05-17

File Number: LTB-L-075656-22

In the matter of: 816, 2111 Lakeshore Blvd West
Toronto ON M8V4B2

Between: Jyoti Thakrar Landlord

And

Josee Beaudoin and Zenon Stepniewski Tenants

Jyoti Thakrar (the 'Landlord') applied for an order to terminate the tenancy and evict Josee Beaudoin and Zenon Stepniewski (the 'Tenants') because the Tenant did not 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 9:42 AM, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Landlord Tenant Board (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.

Before proceeding with the application, the hearing member advised the Landlord regarding section 207(1) of the *Residential Tenancies Act, 2006*, which limits the LTB's jurisdiction to that of Small Claims Court, or \$35,000.00. The Landlord was offered an opportunity to obtain legal advice before proceeding and chose not to.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on September 28, 2021. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,350.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to September 28, 2021, are \$38,763.28.

7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. The Tenants paid a rent deposit of \$2,350.00 on October 13, 2016. The Landlord has not paid the Tenants interest.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of September 28, 2021, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$36,579.03. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before May 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 29, 2023, at 6.00% annually on the balance outstanding.

May 17, 2023
Date Issued



Stephanie Kepman
Member, Landlord and Tenant Board

15 Grosvenor St, 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 as the tenancy is terminated

Rent Owing To Move Out Date	\$38,763.28
Application Filing Fee	\$201.00
Less the amount of the last month's rent deposit	- \$2,350.00
Less the amount of the interest on the last month's rent deposit	- \$35.25
Total amount owing to the Landlord	\$36,579.03

2023 ONL TB 34799 (CanLII)