



Order under Section 69 Residential Tenancies Act, 2006

Citation: Igor Vassor v Mercedesz Kovacs, 2023 ONLTB 37733

Date: 2023-05-15

File Number: LTB-L-058901-22

In the matter of: 22 NIGHTINGALE ST
HAMILTON ON L8L1R6

Between: Igor Vassor Landlord

And

Mercedesz Kovacs Tenant

Igor Vassor (the 'Landlord') applied for an order to terminate the tenancy and evict Mercedesz Kovacs (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 13, 2023. Only the Landlord attended the hearing.

The Tenant was originally signed in with the Board's moderator. They disconnected around 10:00am and never rejoined the virtual hearing room.

As of approximately 11:30am, 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 an invalid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice).
2. As the Landlord's notice was invalid, I gave the Landlord the option to pursue an order for arrears only with no possibility of termination of the tenancy for this money. I explained to the Landlord that if I was to issue an order for the moneys claimed in this application and the arrears are not paid, the Landlord could not return to the Board for eviction based on those same arrears. The Landlord decided to pursue an order for arrears only.
3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The lawful rent is \$1,200.00. It is due on the 1st day of each month.
5. The Tenant has paid \$1,200.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$10,800.00.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.

It is ordered that:

1. The Tenant shall pay to the Landlord \$11,001.00. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before May 26, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 27, 2023 at 6.00% annually on the balance outstanding.
3. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

May 15, 2023

Date Issued

Curtis Begg

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.