



Order under Section 69 Residential Tenancies Act, 2006

Citation: ROYAL PALACE APARTMENTS v Michal Dwyer, 2023 ONLTB 37630

Date: 2023-05-15

File Number: LTB-L-068841-22

In the matter of: 404, 3827 LAWRENCE AVE E
SCARBOROUGH ON M1G1R4

Between: ROYAL PALACE APARTMENTS Landlord

And

Michal Dwyer and Nicola Wright Tenant

ROYAL PALACE APARTMENTS (the 'Landlord') applied for an order to terminate the tenancy and evict Michal Dwyer and Nicola Wright (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's agent, David Anton, attended the hearing.

As of 9:30 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,932.20. It is due on the 1st day of each month.
4. The Tenant has paid \$12,461.00 to the Landlord since the application was filed.
5. The Tenant has paid the rent 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 \$135.60 towards this amount.

7. The Landlord collected a rent deposit of \$1,850.00 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.

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8. Interest on the rent deposit, in the amount of \$46.15 is owing to the Tenant for the period from November 1, 2021 to May 8, 2023.

It is ordered that:

1. The Tenant shall pay to the Landlord \$50.40 representing the remaining costs of the application filing fee.
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.

May 15, 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.

