



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

**Citation:** Beaux Properties Management Company v Razina Ahmed, 2023 ONLTB 35841

**Date:** 2023-05-09

**File Number:** LTB-L-065213-22

**In the matter of:** 206, 55 OAKMOUNT RD  
TORONTO ON M6P2M5

**Between:** Beaux Properties Management Company Landlord

**And**

Razina Ahmed Tenant

Beaux Properties Management Company (the 'Landlord') applied for an order to terminate the tenancy and evict Razina Ahmed (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 26, 2023.

The Landlord's agent, Athena Metaxas, attended the hearing.

The Tenant also attended the hearing.

**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 Tenant was in possession of the rental unit on the date the application was filed.
3. The lawful rent is \$1483.10. It was due on the 1st day of each month.
4. The Tenant has paid \$8,918.60 to the Landlord since the application was filed.
5. The rent arrears owing to are \$0.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

7. The Landlord collected a rent deposit of \$1,483.10 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.

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8. The position of the tenant is that she should not have to pay the filing fee because she had paid all the arrears at the end of October 2022. The Tenant also stated that she thought she had paid for November 2022 rent and did not owe the Landlord rent and the Landlord filed the application anyway, so the Tenant should not have to pay.
9. The Tenant requested the cost of the filing fee be paid by the Landlord.
10. The position of the landlord is that the Landlord does not dispute the Tenant made a large lump sum payment at the end of October 2022, however the payment was short \$20. Since the Tenant was still in arrears as of October 31, 2022, the Landlord's notice was not voided by the Tenant.
11. Further the Landlord submitted that the tenant did not pay her lawful monthly rent for November 1, 2022 and the landlord preceded to file the application with the board N4, 2022 based on the Tenant's arrears of \$20.00 from October 2022 any full rent arrears owing as of November 1, 2022.
12. After the Landlord's submission regarding the \$20.00 arrears in October 2022, and the tenants missed rent payment on November 1, 2022 the tenant changed her submission acknowledged the \$20.00 arrears amount still owing from October 2022.
13. I asked the Tenant if she had paid her lawful monthly rent on or before November 1, 2022.
14. The Tenant submitted that she did not pay her rent on November 1, 2022.
15. With the evidence before me and on the balance of probabilities I find the Tenant did not pay the arrears owing to the Landlord in full before October 31, 2022, and therefore did not void the Landlord's N4 notice.
16. I also find the Tenant did not pay her lawful monthly rent for the month of November 2022, as submitted by the Tenant, and there for the Landlord filed the application with the Board and incurred the cost of \$186.00 for the filing of the application.
17. The Tenant's request to have the Landlord pay for the filing fee is denied.
18. The Landlord's agent submitted that the Landlord is amenable to an extended order for the payment of the arrears and requested a May 31, 2023 date for the order for the arrears to be paid.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.

2. If the Tenant does not pay the Landlord the full amount owing on or before May 31, 2023, the Landlord will start to owe interest. This will be simple interest calculated from June 1, 2023 at 6.00% annually on the balance outstanding.

**May 9, 2023**

**Date Issued**

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**Greg Brocanier**

Member, Landlord and Tenant Board

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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.