



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

**Citation:** IMH POOL XX LP v Ganesh Seavcharran, 2023 ONLTB 35607

**Date:** 2023-05-09

**File Number:** LTB-L-060253-22

**In the matter of:** 211, 100 COSBURN AVE  
EAST YORK ON M4K2G7

**Between:** IMH POOL XX LP Landlord

**And**

Ganesh Seavcharran Tenant

IMH POOL XX LP (the 'Landlord') applied for an order to terminate the tenancy and evict Ganesh Seavcharran (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 27, 2023.

Only the Landlord's Legal Representative Matt Anderson attended the hearing.

As of 9:42 a.m., 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 \$1,455.65. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$47.86. This amount is calculated as follows: \$1,455.65 x 12, divided by 365 days.
5. The Tenant has paid \$8,849.50 to the Landlord since the application was filed.

6. The rent arrears owing to April 30, 2023 are \$501.90.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**File Number:** LTB-L-060253-22

8. The Landlord collected a rent deposit of \$1,433.03 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.
9. Interest on the rent deposit, in the amount of \$20.01 is owing to the Tenant for the period from January 1, 2021 to April 27, 2023.
10. At the hearing, the Landlord's Legal Representative advised the Board that the parties had arrived at a payment plan. The Tenant had advised the Landlord's Legal Representative that they would not be able to attend the hearing. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act.
11. This order contains all of the reasons within it and no further reasons will be issued.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$687.90, which represents the arrears of rent and costs outstanding as at the date of the hearing, upon the following terms:
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 of this order in accordance with the following schedule:
  - (a) \$140.00 on or before May 1, 2023;
  - (b) \$140.00 on or before June 1, 2023;
  - (c) \$140.00 on or before July 15, 2023; (d) \$140.00 on or before August 15, 2023; and (e) \$127.90 on or before September 15, 2023.
3. The Tenant shall pay to the Landlord the lawful rent in full for the month of May, 2023 on or before the 15<sup>th</sup> day of May, 2023.
4. The Tenant shall pay to the Landlord the lawful rent in full for the month of June, 2023 on or before the 15<sup>th</sup> day of June, 2023.
5. Commencing July 1, 2023 and continuing for the duration of the outstanding arrears, the Tenant shall also pay to the Landlord new rent in full on or before the 1st day of each month.

6. If the Tenant fails to make any of the payments in accordance with paragraph 1 and 2 of this order, then:

- (a) The Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 and 2 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 1 and 2 of this order.

**File Number:** LTB-L-060253-22

**May 9, 2023**

**Date Issued**

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Heather Chapple

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.