



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

**Citation:** 1941120 ONTARIO LTD v Junan Nashit Tias, 2023 ONLTB 34668

**Date:** 2023-05-09

**File Number:** LTB-L-056813-22

**In the matter of:** 1, 57 MAJOR ST  
TORONTO ON M5S2K9

**Between:** 1941120 ONTARIO LTD Landlord

**And**

Junan Nashit Tias Tenants  
Mahbub Hasan

1941120 ONTARIO LTD (the 'Landlord') applied for an order to terminate the tenancy and evict Junan Nashit Tias and Mahbub Hasan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 24, 2023.

Only the Landlord, Xinde Xia, attended the hearing.

As of 2:17pm, the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Nonpayment 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 still in possession of the rental unit as of the hearing date.
3. At the hearing, the Landlord indicated that the only amount outstanding for the period ending April 30, 2023 is the application filing fee cost of \$186.00.
4. Since the Tenants are no longer in arrears of rent, the order shall be limited to costs and not eviction.

5. The Landlord requested termination of the tenancy on the basis that the Tenants have continued to pay late. Since the application is about non-payment of rent, I could not consider terminating the tenancy for persistent late payment of rent. I did not have an N8 Notice of Termination or an L2 application before me to consider termination for persistent late payment of rent.

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**It is ordered that:**

1. The Tenants shall pay to the Landlord \$186.00 for the cost of filing the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before May 20, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 21, 2023 at 6.00% annually on the balance outstanding.

**May 9, 2023**

**Date Issued**

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Terri van Huisstede  
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.

