



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

Citation: Chandan Jha v Charnjeet S Rai, 2023 ONLTB 35606

Date: 2023-05-05

File Number: LTB-L-016747-22

In the matter of: Basement, 9 FREEDOM OAKS TRAIL BRAMPTON
ON L6P3L1

Between: Chandan Jha and Smita Jha Landlords

And

Charnjeet S Rai and Harjinder Kaur Tenants

Chandan Jha and Smita Jha (the 'Landlords') applied for an order to terminate the tenancy and evict Charnjeet S Rai and Harjinder Kaur (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

A de novo hearing of this application was conducted via videoconference on April 28, 2023.

Only the Landlord, Chandan Jha attended the hearing. As of 10:29 a.m. the Tenants were not present or represented at the hearing although properly served with the notice of this hearing by the Board.

Determinations:

1. The Landlords 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 in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on June 26, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,650.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to June 26, 2022 are \$6,610.50.

7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$1,650.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.

File Number: LTB-L-016747-22

9. Interest on the rent deposit, in the amount of \$12.91 is owing to the Tenants for the period from November 1, 2021 to June 26, 2022.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of June 26, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$5,133.59. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlords owe on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlords the full amount owing on or before May 16, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 17, 2023 at 6.00% annually on the balance outstanding.

May 5, 2023

Date Issued

Troy Rossignol

Vice Chair, 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.

File Number: LTB-L-016747-22

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$6,610.50
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,650.00
Less the amount of the interest on the last month's rent deposit	- \$12.91
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$5,133.59