



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

Citation: Sita Gobin v David Denny, 2023 ONLTB 34677

Date: 2023-05-04

File Number: LTB-L-002567-23

In the matter of: Main Floor # 3, 47 MILLICENT ST TORONTO
ON M6H1W3

Between: Sita Gobin Landlord

And

David Denny Tenant

Sita Gobin (the 'Landlord') applied for an order to terminate the tenancy and evict David Denny (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 12, 2023.

Only the Landlord's Legal Representative Liam Walker attended the hearing.

As of 9:19 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.

The Landlord's Legal Representative Mr. Walker submitted a payment agreement with the Tenant. Based on submissions, I was satisfied with the payment agreement as it did not contain an eviction order but only the arrears.

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 \$750.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$24.66. This amount is calculated as follows: \$750.00 x 12, divided by 365 days.

5. The Tenant has paid \$3,000.00 since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$475.00.
7. There is no last month's rent deposit.

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It is ordered that:

1. If the Tenant does not pay the Landlord the full amount owing \$475.00 on or before May 15, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 16, 2023 at 6.00% annually on the balance outstanding.
2. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

May 4, 2023

Anthony Bruno

Member, Landlord and Tenant Board

Date Issued

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.

