



**Order under Section 87(1)  
Residential Tenancies Act, 2006**

**Citation:** Rehan Khan v Hedda mae Lepofsky, 2023 ONLTB 35023

**Date:** 2023-05-03

**File Number:** LTB-L-061235-22

**In the matter of:** 2410 FALL HARVEST CRES  
PICKERING ON L1X0G2

**Between:** Farah Alam Landlords  
Rehan Khan

**And**

Hedda Mae Lepofsky Tenants  
Zev Joshua Lepofsky

Farah Alam and Rehan Khan (the 'Landlords') applied for an order to terminate the tenancy and evict Hedda Mae Lepofsky and Zev Joshua Lepofsky (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

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

Only the Landlord Rehan Khan and the Landlord's Legal Representative Lisa Louise Barder attended the hearing.

As of 11:07 a.m., 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. Since the Tenants did not attend and the Landlords were prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

**Determinations:**

1. At the hearing the Landlord's Legal Representative relied on oral submissions and referred to documents to support their application.
2. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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.
3. The Tenants were in possession of the rental unit on the date the application was filed.
4. The Tenants vacated the rental unit on December 2, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent was \$2,400.00. It was due on the 1st day of each month.

6. The Tenants have paid \$3,800.00 to the Landlords since the application was filed. At the hearing the Landlord's Legal Representative stated the Tenants paid the Landlords \$8,800.00, however their update sheet contains a clear math error I noticed post hearing.
7. The rent arrears claimed on the L1 application for the period ending October 31, 2022 are \$7,200.00. The monthly rent for the month of November 2022 became due and owing and that amount is \$2,400.00. Daily compensation in the amount of \$157.80 is owing for December 1 and 2, 2022. The total rent that came due up to December 2, 2022 is \$9757.80. Less the payments made by the Tenants since the Landlord filed the application, the rent arrears owing to December 2, 2022 are \$5,957.80.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,400.00 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.
10. Interest on the rent deposit, in the amount of \$26.51 is owing to the Tenant for the period from March 24, 2021 to December 2, 2022.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated as of December 2, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlords \$3,717.29. 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 the interest owing on the rent deposit have been deducted from the total amount owing. 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 14, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 15, 2023 at 6.00% annually on the balance outstanding.

**May 3, 2023**  
**Date Issued**

\_\_\_\_\_  
John Cashmore  
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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

**A. Amount the Tenants must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$9,757.80
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlords since the application was filed	- \$3,800.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,400.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$26.51
<b>Total amount owing to the Landlords</b>	<b>\$3,717.29</b>