



**Order under Section 69
and Subsection 87(1)
Residential Tenancies Act, 2006**

Citation: Miteshkumar Patel v Mohamad tawfeeq Alshami, 2023 ONLTB 34342

Date: 2023-05-02

File Number: LTB-L-054604-22

In the matter of: 335 CAROLINE ST
WINDSOR ON N9A6A5

Between: Jaybharthi Goswami, Miteshkumar Patel and Landlords
Rashmikaben Patel

And

Fatimah Alshami, Mohamad tawfeeq Alshami Tenants
and Rahima Almubarak

Jaybharthi Goswami, Miteshkumar Patel and Rashmikaben Patel (the 'Landlords') applied for an order to terminate the tenancy and evict Fatimah Alshami, Mohamad tawfeeq Alshami and Rahima Almubarak (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on April 24, 2023 at 9:00 a.m.

The Landlords, self-represented, and Tori-Lee Jenkins, a lawyer, representing M Mohamad tawfeeq Alshami attended the hearing.

As of 11:27 a.m., Tenants Fatimah Alshami and Rahima Almubarak 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.

Preliminary Issue:

1. At the onset of the hearing the Tenant's representative submitted that the N4 Notice to End your Tenancy For Non-Payment of Rent (the "N4 Notice") was defective, that the correct lawful monthly rent was \$1,750.00, not \$1,800.00 as reflected on the N4 Notice, and as a result the application should be dismissed.
2. The Landlords conceded that monthly rent is \$1,750.00.
3. I ruled that Notice was defective.
4. As a result of the defective notice the Landlords requested to convert the application to an L9 application for arrears only. I consented to the request.

Determinations:

1. As of the hearing date, the Tenants were still in possession of the rental unit.
2. The lawful rent is \$1,750.00. It is due on the 1st day of each month.
3. Based on the Monthly rent, the daily rent/compensation is \$57.53. This amount is calculated as follows: \$1,750.00 x 12, divided by 365 days.
4. The Tenants have paid \$3,900.00 to the Landlords since the application was filed.
5. The rent arrears owing to April 30, 2023 are \$11,950.00.
6. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. There is no last month's rent deposit.

It is ordered that:

1. The Tenants shall pay to the Landlords \$12,136.00. This amount includes rent arrears owing up to April 30, 2023 and the cost of the application.
1. If the Tenants do not pay the Landlords the full amount owing on or before May 13, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 14, 2023 at 6.00% annually on the balance outstanding.

May 9, 2023
Date Issued

Peter Pavlovic
Member, Landlords 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.