



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

Citation: Dularie Mohammed v Jahnya Palmer, 2023 ONLTB 33813

Date: 2023-05-02

File Number: LTB-L-054103-22

In the matter of: 2003 ROYAL CRES
Mississauga ON N5V1P1

Between: Dularie Mohammed Landlord

And

Darci Doxtator, Jahnya Palmer, T'neeyah Palmer and Tenant
Tazana Doxtator-blake

Dularie Mohammed (the 'Landlord') applied for an order to terminate the tenancy and evict Darci Doxtator, Jahnya Palmer, T'neeyah Palmer and Tazana Doxtator-blake (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 11, 2023.

The Landlord and the Tenant, D. Doxtator attended the hearing.

Determinations:

1. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The Landlord did not properly identify the rental unit on the N4 notice of termination. The rental unit is the main floor of the house, and the Landlord resides in the basement. The N4 notice indicates the rental unit as the municipal address, and omits “main floor unit” or any identifier which differentiates between the main floor and the basement,
3. Section 43 of the Residential Tenancies Act, 2006 states that a notice of termination must properly identify the rental unit for which the notice is given. As the N4 notice fails to identify the rental unit, the notice is invalid.
4. As the Landlord’s notice was invalid, I gave the Landlord the option to proceed for arrears only with no possibility of termination of the tenancy for this money, or to begin the process again. The Landlord chose to seek an award for arrears only.
5. The lawful rent is \$2,300.00. It is due on the 1st day of each month.

6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to April 30, 2023 are \$21,100.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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It is ordered that:

1. The Tenant shall also pay the Landlord \$21,286.00, which represents the amount of rent owing to April 30, 2023 and costs.
2. If the Tenant does not pay the Landlord the full amount owing on or before May 13, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 14, 2023 at 6.00% annually on the balance outstanding.

May 2, 2023

Date Issued

Emily Robb

Member, Landlord 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.

