



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

Citation: Abbas v Legge, 2023 ONLTB 34044

Date: 2023-05-01

File Number: LTB-L-049811-22

In the matter of: 28 WILKERSON ST
THOROLD ON L2V0G4

Between: Saqib Shah and Yawar Abbas Landlords

And

Dylan Tries-Hardwick, Heather Hardwick and Tenants
Victoria Legge

Saqib Shah and Yawar Abbas (the 'Landlords') applied for an order to terminate the tenancy and evict Dylan Tries-Hardwick, Heather Hardwick and Victoria Legge (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 16, 2023.

Only the Landlords attended the hearing.

As of 1:23 pm, 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. As a result, the hearing proceeded with only the Landlord's evidence.

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 October 31, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,350.00. 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 October 31, 2022 are \$7,250.00.

7. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

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2023 ONL TB 34044 (CanLII)

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated as of October 31, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlords \$7,436.00. 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. 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 12, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 13, 2023 at 6.00% annually on the balance outstanding.

May 1, 2023

Date Issued

Heather Kenny

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.

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**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$7,250.00
Application Filing Fee	\$186.00

NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlords owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlords	\$7,436.00