



Order under Subsection 87(1) Residential Tenancies Act, 2006

Citation: Shah Nawaz Rana v Mena Kayser Ibrahim Gadalla, 2023 ONLTB 32587

Date: 2023-04-27

File Number: LTB-L-056297-22

In the matter of: 150 KNOTT DRIVE
LONDON ON N6L0G6

Between: Shah Nawaz Rana Landlord

And

Mena Kayser Ibrahim Gadalla
Miriam Kirolos Gadalla

Tenants

Shah Nawaz Rana (the 'Landlord') applied for an order to terminate the tenancy and evict Mena Kayser Ibrahim Gadalla and Miriam Kirolos Gadalla (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 13, 2023.

The Landlord's legal representative, Melissa Anjema, attended the hearing.

As of 10:21am, 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. At the hearing, the Landlord requested to amend their application for arrears of rent only and not termination of the tenancy.
2. The Landlord further requested to amend the application to the correct rental period for the arrears claimed from July 20, 2022 to September 19, 2022 rather than from July 20, 2022 to September 20, 2022.

3. The Landlord confirmed that the correct amount was listed for the requested amendment period at \$5,000.00 on the L1 application.
4. I see no reason to deny the Landlord's request on the basis that they withdrew their claim for termination of the tenancy based on the arrears and the amount listed on the application is the same amount for the period amendment request.

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5. The Tenants were still in possession of the rental unit on the hearing date.
6. The Tenants did not pay the rent they were required to for the period from July 20, 2022 to April 19, 2023.
7. The lawful rent is \$3,000.00. It is due on the 20th day of each month.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to April 19, 2023, are \$26,000.00
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$26,186.00. This amount includes rent arrears owing up to April 19, 2023 and the cost of the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before May 8, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 9, 2023 at 6.00% annually on the balance outstanding.

April 27, 2023

Date Issued

Terri van Huisstede
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.

