



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

Citation: Metcap Living Management Inc. v Said, 2023 ONLTB 32895

Date: 2023-04-26

File Number: LTB-L-046556-22

In the matter of: 1005, 201 SHERBOURNE ST
TORONTO ON M5A 3X2

Between: Metcap Living Management Inc. Landlord

And

Amira Hassan Said Tenants
Jamal Abdullah

Metcap Living Management Inc. (the 'Landlord') applied for an order requiring Amira Hassan Said and Jamal Abdullah (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on March 14, 2023.

Only the Landlord's representative Lana Mai, licensed paralegal attended the hearing.

As of 11:12 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. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Tenants vacated the rental unit on December 31, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Landlord amended their application to an L9 application solely for arrears of rent and the filing fee. The Landlord was seeking the arrears outstanding to December 31, 2022.
3. The Tenants did not pay the total rent they were required to pay for the period from October 1, 2020 to December 31, 2022.
4. The lawful rent is \$1,799.44. It is due on the 1st day of each month.
5. The Tenants have made \$3,799.44 in payments since the application was filed.

6. The tenancy ended on December 31, 2022 as a result of the Tenants moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.
7. The rent arrears and daily compensation owing to December 31, 2022 are \$14,123.95.

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8. There is a rent deposit of \$1,796.29 being held by the Landlord. Interest owing on the rent deposit is \$5.99.
9. 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 \$12,507.67. This amount includes rent arrears owing up to December 31, 2022 and the cost of the application, less the rent deposit and interest owing.
2. If the Tenants do not pay the Landlord the full amount owing on or before May 7, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 8, 2023 at 6.00% annually on the balance outstanding.

April 26, 2023

Date Issued

Greg Witt

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.

