



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

Citation: Thushayini Srirajan v El Muatasim Emraja, 2023 ONLTB 33918

Date: 2023-04-25

File Number: LTB-L-020340-22

In the matter of: Upper Level, 118 Budea Cres
Scarborough Ontario M1R4W1

Between: Srirajan Subramaniam and Thushayini Srirajan Landlords

And

El Muatasim Emraja Tenant

Srirajan Subramaniam and Thushayini Srirajan (the 'Landlords') applied for an order to terminate the tenancy and evict El Muatasim Emraja (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (L1) and because the Tenant, another occupant of the rental unit or someone they permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlords or another tenant.

This application was heard by videoconference on April 21, 2023.

Only the Landlord's representative, Thirusenthuran Sivapatham attended the hearing. As of 9:27 a.m. the Tenant was not present or represented at the hearing although properly served with the notice of this hearing by the Board. As a result, the hearing proceeded with only the Landlord's evidence.

The Landlords requested the L2 portion of their application which was based on behaviour, to be withdrawn as the Tenant vacated on April 30, 2022. The Board consented to this request.

Determinations:

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenant 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 Tenant was in possession of the rental unit on the date the application was filed.

3. The Tenant vacated the rental unit on April 30, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,400.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to April 30, 2022 are \$16,800.00.

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7. The Landlords incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$600.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$4.71 is owing to the Tenant for the period from September 4, 2021 to April 30, 2022.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated as of April 30, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlords \$16,396.29. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlords owe on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before May 6, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 7, 2023 at 6.00% annually on the balance outstanding.
4. The Landlord's L2 application is withdrawn.

April 24, 2023

Date Issued

Troy Rossignol

Vice Chair, 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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

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**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$16,800.00
Application Filing Fee	\$201.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$600.00
Less the amount of the interest on the last month's rent deposit	- \$4.71
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$16,396.29

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