



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

Citation: Executive Properties Inc v Senjuti Sarker, 2023 ONLTB 32296

Date: 2023-04-24

File Number: LTB-L-056252-22

In the matter of: 4, 115 LEINSTER AVE S HAMILTON
ON L8M3A4

Between: Executive Properties Inc Landlord

And

Nirmal Sarker and Senjuti Sarker Tenants

Executive Properties Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Nirmal Sarker and Senjuti Sarker (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 12, 2023.

Only the Landlord's Legal Representative, Jamuna Ganesan, attended the hearing.

As of 2:41 p.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.

The Tenant, Senjuti Sarker, did attend the hearing block during the afternoon but unfortunately did not show up to the hearing when it was called.

Determinations:

1. The Landlord 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 January 31, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$1,366.20. It was due on the 1st day of each month.

File Number: LTB-L-056252-22

5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to January 31, 2023, are \$9,593.40.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,350.00 from the Tenants 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 \$41.72 is owing to the Tenants for the period from May 1, 2021 to January 31, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of January 31, 2023, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord **\$8,387.68**. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before **May 31, 2023**, the Tenants will start to owe interest. This will be simple interest calculated from June 1, 2023, at 6.00% annually on the balance outstanding.

April 24, 2023

Date Issued

Michael Di Salle

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.

File Number: LTB-L-056252-22

Schedule 1
SUMMARY OF CALCULATIONS

2023 ONL TB 32296 (CanLII)

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

Rent Owing To Move Out Date	\$9,593.40
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord 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	- \$1,350.00
Less the amount of the interest on the last month's rent deposit	- \$41.72
Less the amount the Landlord 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 Landlord	\$8,387.68

