



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

Citation: Mahammad Shamiulla Shaik v Stephanie Anne Macdonald, 2023 ONLTB 32047

Date: 2023-04-21

File Number: LTB-L-054260-22

In the matter of: 96 SCARLETWOOD ST
STONEY CREEK ON L8J0K8

Between: Mahammad Shamiulla Shaik and Nazia Banu Shaik Landlord

And

Stephanie Anne Macdonald Tenant

Mahammad Shamiulla Shaik and Nazia Banu Shaik (the 'Landlord') applied for an order to terminate the tenancy and evict Stephanie Anne Macdonald (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 11, 2023.

Only the Landlord's Representative, Tian Sandukhchyan attended the hearing.

The Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. The Landlord emailed the Tenant the L1/L9 update form on April 2, 2023 and information about the hearing. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

The Landlord did not file an amended application that put the Tenant on Notice for the additional rent charges not claimed on the L1 application. The Landlord chose to proceed understanding that rent charges for September 15, 2023 to October 14, 2023 is extinguished.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment 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 January 4, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$3,300.00. It was due on the 15th day of each month. Per diem compensation is \$108.49 ($\$3,300 \times 12 / 365$ days).
5. The Tenant has not made any payments since the application was filed.

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6. The rent arrears owing to January 4, 2023 are \$14,478.36.
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 \$3,300.00 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 \$85.71 is owing to the Tenant for the period from June 15, 2021 to January 4, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of January 4, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$11,278.65. 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 Landlord owes 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 2, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 3, 2023 at 6.00% annually on the balance outstanding.

April 21, 2023

Date Issued

Sandra Macchione

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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$14,478.36
Application Filing Fee	\$186.00
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	- \$3,300.00
Less the amount of the interest on the last month's rent deposit	- \$85.71
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	\$11,278.65