



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

Citation: Zarei Joorshari v Joshi, 2023 ONLTB 31331

Date: 2023-04-19

File Number: LTB-L-007476-23

In the matter of: Basement, 937 Golden Farmer Way Mississauga
Ontario L5W1B4

Between: Mehrdad Zarei Joorshari Landlord

And

Rupinder Joshi Tenant

Mehrdad Zarei Joorshari (the 'Landlord') applied for an order requiring Rupinder Joshi (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on March 29, 2023.

Only the Landlord attended the hearing.

As of 9:55 a.m., the Tenant was 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.

Preliminary Issue:

Amending the Application

1. At the hearing on the L9 application, the Landlord listed \$400.00 for unpaid utilities incurred by the Tenant during the tenancy. Utilities do not constitute rent arrears and cannot be awarded in an L9 order.
2. Rule 15.4 of the Board's Rules of Procedure provides me with the discretion to amend an application at the hearing if satisfied that the amendment is appropriate, would not prejudice any party and is consistent with a fair and expeditious proceeding. In this case, I find that the Board lacks the jurisdiction to order payment by the Tenant of unpaid utility charges under this L9 application. *The Residential Tenancies Act, 2006* (the 'Act') stipulates that unpaid utility amounts may be a debt owing by the Tenant that may be recovered by the Landlord on another application.

3. Consequently, the application has been amended to remove the \$400.00 utility charge.

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Determinations:

4. The Tenant did not pay the total rent they were required to pay for the period from March 1, 2022 to October 28, 2022.
5. The lawful rent is \$1,100.00. It is due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The tenancy ended on October 28, 2022 as a result of the Tenant 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.
8. The rent arrears and daily compensation owing to October 28, 2022 are \$1,012.60
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$1,213.60. This amount includes rent arrears owing up to October 28, 2022 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2023 at 6.00% annually on the balance outstanding.

April 19, 2023

Date Issued

Camille Clyne

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.

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