



Order under Section 69 and 87 Residential Tenancies Act, 2006

Citation: Pine Street (NO.5) LP v Kallai, 2023 ONLTB 29390

Date: 2023-04-17

File Number: LTB-L-003641-23

In the matter of: 2, 168 Pine Street
Sudbury Ontario P3C1X3

Between: Pine Street (NO.5) LP Landlord

And

Elizabeth Kallai Tenant

Pine Street (NO.5) LP (the 'Landlord') applied for an order to terminate the tenancy and evict Elizabeth Kallai (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 27, 2023.

Only the Landlord's Legal Representative Paula Peroni attended the hearing.

As of 3:17 p.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. Since the Tenant did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

Determinations:

1. At the hearing the Landlord's Legal Representative relied on oral submissions and referred to documents to support their application.

Preliminary Issue

2. At the hearing, I pointed out to the Landlord's Legal Representative that the N4 Notice of Termination did not properly identify the rental unit as required pursuant to section 43(1)(a) of the *Residential Tenancies Act, 2006* (the Act). As a result, I found the N4 Notice to be defective.
3. After explaining the options available to the Landlord, Ms. Peroni requested I amend the application to an L9 application, seeking an order for the rent arrears only. I granted the request and hearing proceeded.

Rent Arrears Application

4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The lawful rent was \$748.00 and it increased to \$766.70 on January 1, 2023. 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 rent arrears owing to March 31, 2023 are \$9,531.10.
8. 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 \$9,732.10 for arrears of rent up to March 31, 2023 and costs.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 29, 2023 at 6.00% annually on the balance outstanding.

April 17, 2023
Date Issued

John Cashmore
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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay for rent arrears owing to March 31, 2023:

Rent Owing To March 31, 2023	\$9,531.10
Application Filing Fee	\$201.00
Total the Tenant must pay to continue the tenancy	\$9,732.10