



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

**Citation:** Ahmed v Roberto, 2023 ONLTB 31111

**Date:** 2023-04-14

**File Number:** LTB-L-024579-22

**In the matter of:** 1615, 30 SHORE BREEZE DR  
ETOBICOKE ON M8V0J1

**Between:** Nadeem Ahmed Landlord

**And**

Christina Roberto Tenant

Nadeem Ahmed (the 'Landlord') applied for an order to terminate the tenancy and evict Christina Roberto (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (L1); and because the Tenant caused damage to the residential complex and also failed to pay the utility charges which the Tenant was required to pay under the tenancy agreement (L2).

This application was heard by videoconference on April 4, 2023. Only The Landlord, represented by Ilian Shingait, attended the hearing.

As of 10:00am, 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.

**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 July 1, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The Tenant has paid \$300.00 since the application was filed.
5. The rent arrears owing to July 1, 2022 are \$18,425.75.

6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord collected a rent deposit of \$2,150.00 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.

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8. Interest on the rent deposit, in the amount of \$25.31 is owing to the Tenant for the period from July 9, 2021 to July 1, 2022.
9. The Tenant failed to pay \$249.60 in utility charges as required under the tenancy agreement.
10. The Tenant drove his vehicle into a wall and damaged the sprinkler system. The Landlord has incurred costs of \$6,387.26 to repair the damage.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of July 1, 2022, the date the Tenant moved out of the rental unit
2. The Landlord shall pay to the Tenant \$17,150.44. The Tenant owes the Landlord rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The amount of rent deposit and interest the Landlord owes on the rent deposit exceeds the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. The Tenant shall also pay to the Landlord \$6,387.26 due to damage caused by the Tenant.
4. The Tenant shall also pay to the Landlord \$249.60 in utility charges.
5. The Tenant also owes the Landlord \$186.00 for the cost of the application.
6. The Tenant owes the Landlord \$23,973.73.
7. If the Landlord does not pay the Tenant the full amount owing on or before April 25, 2023, the Landlord will start to owe interest. This will be simple interest calculated from April 26, 2023 at 6.00% annually on the balance outstanding.

**April 14, 2023**

**Date Issued**

\_\_\_\_\_  
Greg Joy

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	\$18,425.75
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$300.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,150.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$25.31
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$18,611.75</b>

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