



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

**Citation:** Adam v Susnjar, 2023 ONLTB 30803

**Date:** 2023-04-13

**File Number:** LTB-L-023077-22

**In the matter of:** 1119, 2520 Eglinton Avenue West Mississauga Ontario  
L5M0Y2

**Between:** Faheem Adam Landlord

**And**

Eleonora Susnjar Tenant

Faheem Adam (the 'Landlord') applied for an order to terminate the tenancy and evict Eleonora Susnjar (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. (L1 Application)

The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant has been persistently late in paying the Tenant's rent. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date. (L2 Application)

This L1/L2 application was heard by videoconference on March 31, 2023.

Only the Landlord's legal representative, Bruce Parsons, attended the hearing.

As of 9:56 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.

**Determinations:**

L1 Application

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 May 9, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,550.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.

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6. The rent arrears owing to May 9, 2022 are \$33,504.56.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,550.00 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 \$18.53 is owing to the Tenant for the period from October 1, 2020 to May 9, 2022.

L2 Application

10. At the hearing, the Landlord asked to withdraw the application and the LTB consented to the request.

**It is ordered that:**

L1 Application

1. The tenancy between the Landlord and the Tenant is terminated as of May 9, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$31,137.03. 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 April 24, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 25, 2023 at 6.00% annually on the balance outstanding.

L2 Application

4. The L2 Application is withdrawn.

**April 13, 2023**

Anna Solomon

**Date Issued**

Vice Chair, 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	\$33,504.56
Application Filing Fee	\$201.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<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	- \$2,550.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$18.53
<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>\$31,137.03</b>

2023 ONL TB 30803 (CanLII)