



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

**Citation:** Banerjee v Peters, 2023 ONLTB 30643

**Date:** 2023-04-13

**File Number:** LTB-L-042587-22

**In the matter of:** 801, 115 ANTIBES DR  
NORTH YORK ON M2R2Y9

**Between:** Arpita Sen and Rupak Banerjee Landlord

**And**

Alexander Peters and Ika nadia Ramsey Tenant

Arpita Sen and Rupak Banerjee (the 'Landlord') applied for an order to terminate the tenancy and evict Alexander Peters and Ika nadia Ramsey (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes; and, because the Landlord requires possession of the rental unit for the purpose of residential occupation.

This application was heard by videoconference on March 22, 2023. Only the Landlord Rupak Banerjee and the Landlord's representative S. Teal attended the hearing. As of 12:02pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB.

At the hearing, the Landlord's representative advised that the Tenant had moved out, and thus, the Landlord requested the consent of the Board to withdraw the Landlord's L2 application. The Landlord sought an order for arrears only for its L1 Application.

**Determinations:**

L2 Application

1. I consent to the withdrawal of the Landlord's L2 application.

L1 Application

2. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Nonpayment 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.
3. The Tenant was in possession of the rental unit on the date the application was filed.

4. The Tenant vacated the rental unit on October 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent is \$2300. It was due on the 1st day of each month.

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6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to October 31, 2022 are \$9,200.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,300.00 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.
10. Interest on the rent deposit, in the amount of \$39.17 is owing to the Tenant for the period from June 1, 2021 to October 31, 2022.

**It is ordered that:**

L2 Application

1. The Landlord's L2 application is withdrawn.

L1 Application

2. The tenancy between the Landlord and the Tenant is terminated as of October 31, 2022, the date the Tenant moved out of the rental unit
3. The Tenant shall pay to the Landlord \$7,046.83. 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.
4. 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.

**April 13, 2023 Date  
Issued**

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Peter Nicholson  
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.

\*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

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**Schedule 1  
SUMMARY OF CALCULATIONS**

2023 ONL TB 30643 (CanLII)

**A. Amount the Tenant must pay as the tenancy is terminated**

Rent Owing To Move Out Date	\$9,200.00
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	- \$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	- \$2,300.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$39.17
<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>\$7,046.83</b>