



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

**Citation:** MCM FUND II (39 NIAGARA) LP v ALQUNUN, 2023 ONLTB 30167

**Date:** 2023-04-12

**File Number:** LTB-L-008516-23

**In the matter of:** 415, 39 NIAGARA STREET TORONTO  
ON M5V0T6

**Between:** MCM FUND II (39 NIAGARA) LP and MCM FUND II (39 NIAGARA) MULTI-RESIDENT INC Landlord

**And**

RAFAL ALQUNUN Tenant

MCM FUND II (39 NIAGARA) LP and MCM FUND II (39 NIAGARA) MULTI-RESIDENT INC (the 'Landlord') applied for an order requiring RAFAL ALQUNUN (the 'Tenant') to pay the rent that the Tenant owes.

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

Only the Landlord's agent Suna Alpak and the Landlord's Legal Representative Faith McGregor attended the hearing.

As of 10:21 am, 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 Tenant vacated the rental unit on November 4, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant did not pay the total rent they were required to pay for the period from April 1, 2022 to March 31, 2023.
3. The lawful rent is \$2,329.00. It is due on the 1st day of each month.

4. The Tenant has not made any payments since the application was filed.
5. The tenancy ended on November 4, 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.
6. The rent arrears and daily compensation owing to November 4, 2022 are \$11,951.28

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7. The Landlord collected a rent deposit of \$2,329.00 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 is terminated.
8. Interest on the rent deposit, in the amount of \$23.59 is owing to the Tenant for the period from November 4, 2022.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

10. The Tenant shall pay to the Landlord \$9,598.69. This amount includes rent arrears owing up to November 4, 2022 and the cost of the application minus the rent deposit and interest owing.
11. If the Tenant does not pay the Landlord the full amount owing on or before April 23, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 24, 2023 at 6.00% annually on the balance outstanding.

**April 12, 2023**

**Date Issued**

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Jagger Benham

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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