



Order under Section 69
Residential Tenancies Act, 2006

Citation: Drewlo Holdings Inc v Lee, 2023 ONLTB 30431

Date: April 11, 2023

File Number: LTB-L-001572-21

In the matter of: 807, 405 WATERLOO STREET LONDON,
ON N6B 3R7

Between: Drewlo Holdings Inc Landlord
and
Christine Lee and Sogand Kashefi Tenants

Drewlo Holdings Inc (the 'Landlord') applied in a L1 application for an order to terminate the tenancy and evict Christine Lee and Sogand Kashefi (the 'Tenants') because the Landlord claimed that the Tenants did not pay the rent that they owe.

This application was heard by videoconference on June 21, 2022 but unfortunately an order was not issued.

A de novo (new) hearing was heard on March 31, 2023. The Landlord's legal representative Tara Hess attended the hearing on behalf of the Landlord. As of 9:31am (the hearing started at 9am) the Tenants were not present or represented at the hearing although properly served with notice of the hearing by the LTB. The Tenants did not make any requests to reschedule or adjourn prior to the hearing. The hearing was conducted with only the Landlord's evidence as allowed by section 7 of the Statutory Powers Procedure Act.

Determinations:

Preliminary Issue: No Proof of Service

1. I raised as a preliminary issue the fact that the Certificate of Service signed by "Chrissy Bryan" indicated that a "N" form had been served on the Tenants. This did not indicate the N4 Notice of Termination had been served.
2. I allowed the matter to stand down so the Landlord's legal representative could try to have the person who allegedly did the serving call into the hearing. The person who signed the Certificate of Service was not able to attend the hearing.
3. Rather than withdraw the application, the Landlord's legal representative elected to proceed with only the rent arrears claimed. The application was amended to a L9 application. The

Landlord/Applicant cannot in future attempt to pursue eviction based on any rent arrears which arose during the time period captured by this order.

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L9 Application

4. The Tenants were in possession of the rental unit when the application was filed and as of this hearing.
5. The lawful rent was \$1,591.00 when the L1 application was filed on Dec 12, 2021. The monthly rent increased to \$1,601.09 on February 2022. Rent is due on the first (1st) day of each month.
6. The Tenants paid \$25,758.97 between when the L1 application was filed and the date of this hearing.
7. As of the hearing date, the current rent arrears owing (up to March 31, 2023) are \$64.29.
8. The Landlord incurred costs of \$186.00 for filing the L1 application and is entitled to reimbursement of these costs.
9. The Landlord incurred administrative costs of \$40.00 related to NSF cheques received from the Tenants. The Landlord is entitled to reimbursement of these costs.
10. NSF fees claimed were not corroborated by proof that such expenses had been incurred from a bank or financial institution, thus were waived.
11. The Landlord's legal representative advised that the Tenants had recently promised a money order for all outstanding amounts; however, as of the hearing the money order had not yet been received. If the Tenants made any payments between the hearing and the issuance of this order, any such payments shall be deducted from the calculations ordered below.

It is ordered that:

12. The Tenants shall pay to the Landlord \$64.29 for rent arrears up to March 31, 2023.
13. The Tenants shall also pay to the Landlord \$186.00 to reimburse for the costs of filing this application.
14. The Tenants shall also pay to the Landlord \$40.00 for administrative costs incurred with respect to dealing with NSF cheques.
15. If the Tenants do not pay the Landlord the full amount owing of \$290.29 on or before April 22, 2023 (standard 11 days from the issuance date of this order), the Tenants will start to owe interest. This

will be simple interest calculated from April 23, 2023 onwards, at 6.00% annually on the balance outstanding.

April 11, 2023

Date Issued

Michelle Tan

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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