



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

Citation: Kumar v Duffy, 2023 ONLTB 29314

Date: 2023-04-05

File Number: LTB-L-049855-22

In the matter of: 3594 EARLSTON CROSS LONDON
ON N6L0G6

Between: Desh Kumar Landlord

And

Adam Duffy Tenants Marley Duffy

Desh Kumar (the 'Landlord') applied for an order to terminate the tenancy and evict Adam Duffy and Marley Duffy (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 16, 2023.

Only the Landlord's representatives, Carmen Dawdy and Adam Rogers attended the hearing.

As of 2:10 p.m., the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on September 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,867.21. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.

6. The rent arrears owing to September 30, 2022 are \$10,400.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

File Number: LTB-L-049855-22

8. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of September 30, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$10,586.00. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before April 16, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 17, 2023 at 6.00% annually on the balance outstanding.

April 5, 2023
Date Issued

Camille Clyne
Member, Landlord and Tenants 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.

File Number: LTB-L-049855-22

Schedule 1

SUMMARY OF CALCULATIONS

A. Amount the Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$10,400.00
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Total amount owing to the Landlord	\$10,586.00