



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

**Citation:** Thayaparan v Graham-gouge, 2023 ONLTB 28392

**Date:** 2023-03-31

**File Number:** LTB-L-045469-22

**In the matter of:** A, 148 HOLLYBROOK CRES AZILDA  
ON P0M1B0

**Between:** Archana Bhuvitharan Landlords  
Darran Thayaparan

**And**

Alex Huard Tenants Lauren Graham-Gouge

Archana Bhuvitharan and Darran Thayaparan (the 'Landlords') applied for an order to terminate the tenancy and evict Alex Huard and Lauren Graham-Gouge (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 13, 2023.

Only the Landlord's Legal Representative, Angie Gravelle, attended the hearing.

As of 9:51 a.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 Landlords' evidence.

**Determinations:**

1. The Landlords 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 August 27, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,000.00. It was due on the first day of each month.
5. The Tenants have paid \$500.00 to the Landlords since the application was filed.

- 6. The rent arrears owing to August 27, 2022 are \$5,275.25.
- 7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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- 8. The Landlords collected a rent deposit of \$2,000.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
- 9. Interest on the rent deposit, in the amount of \$17.16 is owing to the Tenants for the period from December 10, 2021 to August 27, 2022.

**It is ordered that:**

- 1. The tenancy between the Landlords and the Tenants is terminated as of August 27, 2022, the date the Tenants moved out of the rental unit
- 2. The Tenants shall pay to the Landlord \$3,444.09. 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. The rent deposit and interest the Landlords 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 Tenants do not pay the Landlord the full amount owing on or before April 11, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 12, 2023 at 5.00% annually on the balance outstanding.

**March 31, 2023**

Susan Priest

**\_\_\_\_\_ Date Issued**

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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**Schedule 1**

## SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$5,775.25
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	- \$500.00
<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	- \$2,000.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$17.16
<b>Total amount owing to the Landlord</b>	<b>\$3,444.09</b>