



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

**Citation:** Zakir v Syed, 2023 ONLTB 27943

**Date:** 2023-03-31

**File Number:** LTB-L-038499-22

**In the matter of:** 1358 QUEENS PLATE RD  
OAKVILLE ON L6M5L4

**Between:** Basil Naim and Dooa Zakir Landlord

**And**

Durre Shehwar Syed Tenant

Basil Naim and Dooa Zakir (the 'Landlord') applied for an order to terminate the tenancy and evict Durre Shehwar Syed (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 14, 2023.

Only the Landlord's representative Ada Choudhry attended the hearing.

As of 1:30 p.m. 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 Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Landlord filed an L1/L9 update form indicating the rent owing was \$10, 400.00. This amount is incorrect. Based on the N4, and L1 update the Tenant owed rent from June 15, 2022 – July 10, 2022.

4. The Tenant vacated the rental unit on July 10, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
5. The lawful rent is \$5200.00. It was due on the 15th day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to July 10, 2022 are \$4,444.96.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of July 10, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$4,630.96. 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. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before April 11, 2023, the Tenant 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**  
**Date Issued**

\_\_\_\_\_  
Maria Shaw  
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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$4,444.96
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	- \$0.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<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>\$4,630.96</b>

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