



Order under Section 69  
Residential Tenancies Act, 2006

Citation: Gnanatheevam v Emes, 2023 ONLTB 28225  
Date: 2023-03-30 File Number: LTB-L-074058-22 (HOL-11788-21)

2023 ONLTB 28225 (CanLII)

In the matter of: Upper Unit, 209765 Highway 26  
The Blue Mountains Ontario L9Y0M8

Between: Arjun Gnanatheevam Landlord

And

Edwin Garcia and Stacey Emes Tenants

Arjun Gnanatheevam (the 'Landlord') applied for an order to terminate the tenancy and evict Edwin Garcia and Stacey Emes (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 27, 2022. The Landlord and the Tenants attended the hearing. The Tenants were represented by Jay Bradley.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment 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 November 1, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,250.00. It was due on the 1st day of each month.
5. As of the date of the hearing, the Tenants have not made any payments since the application was filed.
6. The rent arrears owing to November 1, 2022 are \$24,750.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord collected a rent deposit of \$2,250.00 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 terminated.

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9. Interest on the rent deposit, in the amount of \$40.54 is owing to the Tenant for the period from May 3, 2020 to November 1, 2022.
10. The Landlord raised several issues at the hearing that are irrelevant to the L1 application. Specifically, the Landlord sought a monetary award for damages. The only application before me is an application for non-payment of rent. Accordingly, no other issues shall be considered.

It is ordered that:

1. The tenancy between the Landlord and the Tenants terminated as of November 1, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$22,645.46. 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 Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. 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 10, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 11, 2023 at 5.00% annually on the balance outstanding.

March 30, 2023

Date Issued

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John Tzanis

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.

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Schedule 1  
SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$24,750.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,250.00
Less the amount of the interest on the last month's rent deposit	- \$40.54
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$22,645.46

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