



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

**Citation:** Navy & Jim-Walmer v Khan, 2023 ONLTB 28935

**Date:** March 29, 2023

**File Number:** LTB-L-007384-22

**In the matter of:** 902, 44 WALMER ROAD  
TORONTO, ON M5R 2X5

**Between:** Navy & Jim-Walmer Landlord

**And**

Shazia Khan Tenant

Navy & Jim-Walmer (the 'Landlord') applied in a L1 application for an order to terminate the tenancy and evict Shazia Khan (the 'Tenant') because the Landlord claimed that the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on August 16, 2022 but unfortunately an order was not issued.

A *de novo* (new) hearing was heard by videoconference on March 24, 2023. The Landlord's legal representative Mark Ciobotaru attended the hearing on behalf of the Landlord. As of 9:37am (the hearing started at 9am), the Tenant was not present or represented at the hearing although properly served with notice of the hearing by the Board. Since no request to adjourn or reschedule had been received by the Board from the Tenant before the hearing, the hearing occurred with only the Landlord's evidence as allowed by section 7 of the *Statutory Powers Procedure Act*.

**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 when the application was filed.
3. The Landlord's legal representative advised that the Tenant vacated the rental unit on August 10, 2022.
4. The monthly rent was \$2,100.00 when the L1 application as filed, but rent increased to \$2,125.00 starting June 1, 2022. The monthly rent was due on the first (1<sup>st</sup>) day of each month.
5. The Tenant made no payments to the Landlord between when the application was filed and the hearing on March 24, 2023.

6. On July 16, 2021 the Landlord collected a last month's rent deposit of \$2,100.00 and this amount is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenant from the date of collection (July 16, 2021) to the termination date in the N4 Notice of Termination (August 31, 2021); however, since the Guideline Rent Increase was 0.0% for the year 2021 due to COVID-19, there is \$0.00 interest owing on the rent deposit.

**It is ordered that:**

8. The tenancy between the Landlord and the Tenant is terminated as of August 10, 2022, the date the Tenant gave vacant possession of the rental unit to the Landlord.

*Refer to Schedule 1: Summary of Calculations*

9. The Tenant shall pay to the Landlord **\$22,093.88\***. 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. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant.
10. If the Tenant does not pay the Landlord the full amount owing of \$22,093.88 on or before April 9, 2023 (standard 11 days from the issuance date of this order), the Tenant will start to owe interest. This will be simple interest calculated from April 10, 2023 at 6.00% annually on the balance outstanding.

**March 29, 2023**  
**Date Issued**

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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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$24,007.88
Application Filing Fee	\$186.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,100.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$22,093.88*</b>

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