



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

Citation: Hunters Lodge Apts Inc. v Javier, 2023 ONLTB 27920

Date: 2023-03-28

File Number: LTB-L-000373-23

In the matter of: 110, 2600 DON MILLS RD
NORTH YORK ON M2J3B4

Between: Hunters Lodge Apts Inc. Landlord

And

Jonardo Paul Javier Tenants
Jose Javier
Leo Javier

Hunters Lodge Apts Inc. (the 'Landlord') applied for an order requiring Jonardo Paul Javier, Jose Javier and Leo Javier (the 'Tenants') to pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques.

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

The Landlord did not attend the hearing but was represented by Howard Levenson.

As of 9:55 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 Landlord's evidence.

PRELIMINARY MATTERS

1. At the end of the hearing I ordered the Landlord's legal representative to submit documentation showing that the Landlord incurred Bank fees as a result of cheques given by or on behalf of the Tenants which were returned NSF. Documentation was submitted which did not support the Bank fees claimed, nor that a bank or financial institution returned cheques to the Landlord as NSF as claimed in the application. As such, this part of the application is denied.

Determinations:

1. The Tenants vacated the rental unit on September 30, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants did not pay the total rent they were required to pay for the period from May 1, 2022 to October 31, 2022.

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3. The lawful rent is \$1,979.39. It is due on the 1st day of each month.
4. The Tenants had paid \$2,544.11 to the Landlord after the application was filed.
5. The tenancy ended on October 31, 2022 as a result of the Tenants moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenants' obligation to pay rent also ended on that date.
6. The rent arrears and daily compensation owing to October 31, 2022 are \$3,667.78
7. The Landlord collected a rent deposit of \$1,750 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy is terminated.
8. The Landlord is entitled to \$60.00 to reimburse the Landlord for administration charges incurred as a result of 3 cheques given by or on behalf of the Tenants which were returned NSF.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenants shall pay to the Landlord \$2,178.78. This amount includes rent arrears owing up to October 31, 2022 and the cost of the application and unpaid NSF charges minus the rent deposit.
2. If the Tenants do not pay the Landlord the full amount owing on or before April 8, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 9, 2023 at 5.00% annually on the balance outstanding.

March 28, 2023

Date Issued

Emile Ramlochan

Member, Landlord and Tenant Board

15 Grosvenor Street, 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.