



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Akelius Canada Ltd. v Kargbo, 2023 ONLTB 27425

**Date:** 2023-03-28

**File Number:** LTB-L-047463-22

**In the matter of:** 1507, 265 DIXON RD  
ETOBICOKE ON M9R1R7

**Between:** Akelius Canada Ltd. Landlord

**And**

Miatta Kargbo Tenant

Akelius Canada Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Miatta Kargbo (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 15, 2023.

Only the Landlord's representative Bryan Rubin attended the hearing.

As of 10:54 am, 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The total arrears the Tenant owes the Landlord is \$10,145.28 to March 31, 2023.
4. The Landlord's representative said the Tenant made payments to the Landlord on March 6, 2023 in the amount of \$8,000.00 and on March 14, 2023 in the amount of \$2,147.00, leaving a credit to the Tenant in the amount of \$1.72 as of March 15, 2023.
5. The Landlord is seeking payment for the filing fee, less the credit in the amount of \$184.28.

### **It is ordered that:**

1. The Tenant shall pay to the Landlord the balance of the filing fee in the amount of \$184.28 on or before April 8, 2023.
2. If the Tenant does not pay the Landlord the full amount owing on or before April 8, 2023, the Tenant 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**

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Dana Wren

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.