



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

Citation: Kandel v Toppin, 2023 ONLTB 26189

Date: 2023-03-23

File Number: LTB-L-040397-22

In the matter of: 21B Brenda Crescent
Scarborough, ON M1K 3C3

Between: Bishnu Kandel Landlords
Dinesh Sapkota

And

Ottnie Toppin Tenants Susan Toppin

Bishnu Kandel and Dinesh Sapkota (the 'Landlords') applied for an order to terminate the tenancy and evict Ottnie Toppin and Susan Toppin (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 27, 2023.

The Landlord and the Tenant attended the hearing

Only the Landlord Dinesh Sapkota attended the hearing.

As of 10:30 am, 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 Landlords' evidence.

Determinations:

1. The Landlords 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 Tenant vacated the rental unit on August 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.

4. The lawful rent is \$1,700.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to August 31, 2022 are \$16,194.24.

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7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$1,700.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$35.05 is owing to the Tenants for the period from October 15, 2020 to February 27, 2023.

It is ordered that:

10. The tenancy between the Landlords and the Tenants is terminated as of August 31, 2022, the date the Tenants moved out of the rental unit
11. The Tenants shall pay to the Landlord \$14,645.19. 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 Landlords owe on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
12. If the Tenants do not pay the Landlords the full amount owing on or before April 3, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 4, 2023 at 5.00% annually on the balance outstanding.

March 23, 2023

Date Issued

Jagger Benham

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.

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**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$16,194.24
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,700.00
Less the amount of the interest on the last month's rent deposit	- \$35.05
Total amount owing to the Landlords	\$14,645.19