



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

Citation: Capreit Limited Partnership v Papesh, 2023 ONLTB 25546

Date: 2023-03-14

File Number: LTB-L-032874-22

In the matter of: 604, 191 NONQUON RD
OSHAWA ON L1G3S3

Between: Capreit Limited Partnership Landlord

And

Courtney Kaarto Tenants
Shae Papesh

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Courtney Kaarto and Shae Papesh (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 30, 2023.

The Landlord did not attend the hearing but was represented by Nidhi Sharma.

As of 5:25 p.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.

The second-named Tenant did sign-in by telephone when the hearing block began at 1:00 p.m. however, would not unmute the telephone to participate in the hearing despite multiple attempts made by the Board for him to participate.

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 August 31, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.

4. The lawful rent is \$1, 650.00. It was due on the 1st day of each month.
5. The Tenants had paid \$1,650.00 to the Landlord since the application was filed.
6. The rent arrears owing to August 31, 2022 are \$4,950.00.

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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 \$1,650.00 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 \$9.22 is owing to the Tenants for the period from March 15, 2022 to August 31, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of August 31, 2022, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$3,476.78. 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.
3. If the Tenants do not pay the Landlord the full amount owing on or before March 25, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 26, 2023 at 5.00% annually on the balance outstanding.

March 14, 2023

Date Issued

Emile Ramlochan

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	\$6,600.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,650.00
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	- \$1,650.00
Less the amount of the interest on the last month's rent deposit	- \$9.22
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	\$3,476.78