



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

Citation: DD Acquisitions Partnership v Miller, 2023 ONLTB 23801

Date: 2023-03-07

File Number: LTB-L-040633-22

In the matter of: 302, 40 CRAIGTON DR
SCARBOROUGH ON M1L2N7

Between: DD Acquisitions Partnership Landlord

And

Tanya Miller Tenant

DD Acquisitions Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Tanya Miller (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 27, 2023. Only the Landlord's Legal Representative, E. Bennet, attended the hearing. As of 10:35 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB.

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 lawful rent is \$1,282.02.
4. The Tenant has paid \$10,152.55 to the Landlord since the application was filed.
5. The rent arrears owing to February 28, 2023 are \$(109.59).
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The only amount outstanding is part of the Landlord's cost of filing the application. As a result, the order will be limited to costs only and not eviction.

8. The Landlord collected a rent deposit of \$1,236.08 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

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It is ordered that:

1. The Tenant shall pay to the Landlord \$76.41, which represents the outstanding part of the cost of filing the application
2. If the Tenant does not pay the Landlord the full amount owing on or before April 7, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 8, 2023 at 5.00% annually on the balance outstanding.

March 7, 2023

Date Issued

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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.

