



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

Citation: Haque v Martinucci, 2023 ONLTB 23630

Date: 2023-03-07

File Number: LTB-L-015924-22

In the matter of: 11678 Kipling Ave
Vaughan ON L0J1C0

Between: Bilalul Haque Landlord

And

Eleonora Deri and Gianluca Martinucci Tenants

Bilalul Haque (the 'Landlord') applied for an order to terminate the tenancy and evict Eleonora Deri and Gianluca Martinucci (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on September 28, 2022.

Only the Landlord attended the hearing.

As of 10:11am 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.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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 Tenant vacated the unit.
4. The lawful rent is \$2780.00. 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 \$21,313.34.
7. The Landlord is entitled to \$80.00 to reimburse the Landlord for administration charges and bank fees the Landlord incurred as a result of 4 cheques given by or on behalf of the Tenants which were returned NSF.

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

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 \$21,579.34. 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 and unpaid NSF charges. 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 18, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 19, 2023 at 5.00% annually on the balance outstanding.

March 14 , 2023
Date Issued

John Tzanis
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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$21,313.34
Application Filing Fee	\$186.00
NSF Charges	\$80.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
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	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
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	\$21,579.34