



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** DD ACQUISTIONS PARTNERSHIP v Dorner, 2023 ONLTB 20186

**Date:** 2023-03-07

**File Number:** LTB-L-033444-22

**In the matter of:** 1, 211 THE WEST MALL  
ETOBICOKE ON M9C1C4

**Between:** DD ACQUISTIONS PARTNERSHIP Landlord

**And**

Ronald Dorner Tenant

DD ACQUISTIONS PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict Ronald Dorner (the 'Tenant') 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 January 31, 2023.

Only the Landlord's Legal Representative Michelle Forrester attended the hearing.

As of 10:33 a.m., 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 lawful rent is \$1,310.54. It is due on the 1st day of each month.
4. The Tenant has paid \$11,732.70 to the Landlord since the application was filed.
5. The rent arrears owing to January 31, 2023 are \$0.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Tenant has paid the arrears owing to January 31, 2023. Only the filing fee of \$186.00 remains outstanding.

8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$186.00.
2. If the Tenant does not pay the Landlord the full amount owing by March 18, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 19, 2023 at 5.00% annually on the balance outstanding.

**March 7, 2023**  
**Date Issued**

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Margo den Haan  
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.