



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

Citation: Kaneff Properties Limited v Monteith, 2023 ONLTB 23823

Date: 2023-03-06

File Number: LTB-L-032661-22

In the matter of: 802, 2170 SHEROBEE RD
MISSISSAUGA ON L5A3P8

Between: Kaneff Properties Limited Landlord

And

Orlando Anthony Monteith Tenant

Kaneff Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Orlando Anthony Monteith (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 5, 2023.

Only the Landlord's representative Sabrina Sciulli attended the hearing.

As of 9:30 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 \$1,406.01. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$46.22. This amount is calculated as follows: \$1,406.01 x 12, divided by 365 days.

5. The Tenant has paid \$10,826.34 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$211.02
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$1,295.47 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.
9. Interest on the rent deposit, in the amount of \$32.32 is owing to the Tenant for the period from July 1, 2020 to January 5, 2023.
10. 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.
11. The only amount outstanding is \$211.02 and the Landlord's cost of filing the application. The Tenant has made substantial payments to the Landlord and the rent arrears owing are well below one month's rent. As a result, the order will be limited to \$211.02 rent arrears and costs and not eviction.

It is ordered that:

It is ordered that:

1. The Tenant shall pay to the Landlord 397.02. This represents rent arrears owed to the Landlord and \$186.00 for the cost of filing the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before March 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 31, 2023 at 5.00% annually on the balance outstanding.

March 6, 2023
Date Issued

Maria Shaw
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.