



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Akelius Canada Ltd. v Mistry, 2023 ONLTB 20500

**Date:** 2023-02-23

**File Number:** LTB-L-043788-22

**In the matter of:** 1512, 263 DIXON RD  
ETOBICOKE ON M9R1R6

**Between:** Akelius Canada Ltd. Landlord

**And**

Mahendra Mistry and  
Ranjan Mistry Tenants

Akelius Canada Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Mahendra Mistry and Ranjan Mistry (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 8, 2023.

Only the Landlord's legal representative, Sabrina Sciulli, attended the hearing. As of 9:46 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board. 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. Since the filling of the application the Tenants have paid to the Landlord all of the rent and arrears owing up to February 28, 2023 and \$58.82 of the \$186.00 filing fee.
4. 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. The only amount outstanding is the remaining portion of the Landlord's application fee of \$127.18. As a result, the order will be limited to costs only and not eviction.

**It is ordered that:**

1. The Tenants shall pay to the Landlord \$127.18 for the remaining cost of the application fee.
2. If the Tenants do not pay the Landlord the full amount owing on or before March 6, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 7, 2023 at 5.00% annually on the balance outstanding.

**February 23, 2023**

**Date Issued**

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Anna Solomon

Vice Chair, 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.