



Order under Section 69
Residential Tenancies Act, 2006

Citation: Abourjaili v Holmes, 2023 ONLTB 20769

Date: 2023-02-17

File Number: LTB-L-022560-22

In the matter of: 31 COURTLAND AVE W, UNIT 2 KITCHENER
ON N2G1K1

Between: Edy Michel Abourjaili Landlord
And
Christian Holmes Tenant

Edy Michel Abourjaili (the 'Landlord') applied for an order to terminate the tenancy and evict Christian Holmes (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 9, 2022.

Only the Landlord attended the hearing.

As of 10.23 am, 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:

Preliminary Issue:

1. The Landlord filed an L1 application and a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The application shows Unit A, while the N4 Notice shows Unit 2. At the hearing, the Landlord confirmed that the correct unit number is Unit 2.
2. The Board's records indicate that the Tenant was served with the Notice of Hearing and the application by mail at Unit A. There is no record of unreturned mail.
3. According to Rule 15.4 of the Board's Rules of Procedure, I granted the Landlord's request to amend the application after considering that the Tenant had been properly served with the Notice of Hearing and that the Tenant had vacated the rental unit prior to the date of hearing.

Rent Arrears

4. The Landlord served the Tenant with a valid 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.
5. The Tenant was in possession of the rental unit on the date the application was filed.

File Number: LTB-L-022560-22

6. The Tenant vacated the rental unit on May 28, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
7. The lawful rent is \$1,595.00. It was due on the 1st day of each month.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to May 28, 2022, are \$7,848.32.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. There is no last month's rent deposit.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of May 28, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$8,034.32. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before March 14, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 15, 2023, at 5.00% annually on the balance outstanding.

March 3, 2023

Date Issued

Supratip Mallick

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.

File Number: LTB-L-022560-22

Order Page: 2 of 3

Schedule 1
SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$7,848.32
Application Filing Fee	\$186.00
NSF Charges	\$0.00
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	\$8,034.32

2023 ONL TB 20769 (CanLII)