



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

Citation: Desai v Bain, 2023 ONLTB 20733

Date: 2023-02-16

File Number: LTB-L-033568-22

In the matter of: 1274 WINTERGREEN PL MILTON
ON L9E1S4

Between: Dhara Desai Landlords
Niravkumar Desai

And

Aaron Bain Tenant

Dhara Desai and Niravkumar Desai (the 'Landlords') applied for an order to terminate the tenancy and evict Aaron Bain (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 31, 2023.

The Landlords and the Tenant attended the hearing

Only the second-named Landlord attended the hearing.

As of 2:43pm, 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 Landlords' evidence.

Determinations:

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Nonpayment 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. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on July 22, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$2,700.00. It was due on the 1st day of each month.

- 5. The Tenant has not made any payments since the application was filed.
- 6. The rent arrears owing to July 22, 2022 are \$9,752.94.
- 7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

File Number: LTB-L-033568-22

- 8. The Landlords collected a rent deposit of \$2,700.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.
- 9. Interest on the rent deposit, in the amount of \$29.29 is owing to the Tenant for the period from August 27, 2021 to July 22, 2022.

It is ordered that:

- 1. The tenancy between the Landlords and the Tenant is terminated as of July 22, 2022, the date the Tenant moved out of the rental unit
- 2. The Tenant shall pay to the Landlords \$7,209.65. 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. The rent deposit and interest the Landlords owe on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
- 3. If the Tenant does not pay the Landlords the full amount owing on or before February 27, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 28, 2023 at 5.00% annually on the balance outstanding.

February 16, 2023

Date Issued

 Robert Brown
 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-033568-22

Schedule 1

SUMMARY OF CALCULATIONS

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

Rent Owing To Move Out Date	\$9,752.94
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlords 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	- \$2,700.00
Less the amount of the interest on the last month's rent deposit	- \$29.29
Less the amount the Landlords 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 Landlords	\$7,209.65