



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

Citation: Sihra v Phommavong, 2023 ONLTB 19970

Date: 2023-02-14

File Number: LTB-L-026244-22

In the matter of: A (including one basement room), 344
MCNEILLY RD
STONEY CREEK ON L8E5H4

Between: Daljit Sihra Landlord

And

Kathleen Ellis and Sean Phommavong Tenant

Daljit Sihra (the 'Landlord') applied for an order to terminate the tenancy and evict Kathleen Ellis and Sean Phommavong (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques

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

The Landlord's representative Jennifer Greenway and the Tenants attended the hearing

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. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants vacated the rental unit on June 30, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$2,000.00. It was due on the 1st day of each month.
5. The rent arrears owing to June 30, 2022 are \$6,000.00.
6. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges and \$5.00 for bank fees the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenant which were returned NSF.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

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9. The Tenant requested that the Board hold issuing an order for payment of the arrears until the T2 application she filed with the Board is heard. The Tenant's application was filed on September 22, 2022, which is four months after the Landlord filed the L1 application on May 9, 2022.
10. The T2 application has not been scheduled to a hearing at present. The Tenant stopped paying rent to the Landlord. The Tenant's obligation is to pay rent to the Landlord for the use of the rental unit. The Tenants' request to hold the rent arrears owed until the T2 application is heard is denied.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of June 30, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$6,211.00. 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 and unpaid NSF charges. 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 15, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 16, 2023 at 5.00% annually on the balance outstanding.

February 28, 2023

Date Issued

Maria Shaw

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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$6,000.00
Application Filing Fee	\$186.00
NSF Charges	\$25.00
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	\$6,211.00