



Order under Sections 69 and 87(1) Residential Tenancies Act, 2006

Citation: Desai v Dorion, 2023 ONLTB 18782

Date: 2023-02-14

File Number: LTB-L-039164-22

In the matter of: 66 PORTLAND ST
Collingwood ON L9Y3Z6

Between: Deesha Patel Landlords
Maulik Desai

And

Crystal Dorion Tenant

Deesha Patel and Maulik Desai (the 'Landlord') applied for an order requiring Crystal Dorion (the 'Tenant') to pay the rent that the Tenant owes.

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

The Landlords Deesha Patel and Maulik Patel and the Tenant Crystal Dorion attended the hearing.

Determinations:

Preliminary Issue

1. As a preliminary issue, I pointed out to the Landlords the N4 Notice contained what appeared to be inaccurate and improper rental periods. The N4 Notice served on the Tenant described a rental period that began on January 20, 2022 and ended on June 20, 2022. I confirmed the monthly rent is due on the 20th day of each month. A rental period in this tenancy ends on the 19th day of the month.
2. The N4 Notice of Termination needs to accurately set out the rental periods for which the Landlord is claiming the rent arrears have accumulated. It has to be clear and unambiguous so the Tenant can decide to dispute the Notice, void the Notice or concede to the claims made.
3. I found the N4 Notice defective and the Landlords sought to proceed seeking an order for arrears only.

Rent Arrears Application

4. As of the hearing date, the Tenant was still in possession of the rental unit.



5. The Tenant did not pay the total rent they were required to pay for the period from January 20, 2022 to February 19, 2023.
6. The lawful rent is \$3,200.00. It is due on the 20th day of each month.
7. The Tenant has paid \$4,400.00 to the Landlord after the application was filed.
8. The rent arrears owing to February 19, 2023 are \$24,400.00. The Tenant did not dispute the rent arrears claimed.
9. The Tenant asserted the rent increase in January 2022 was in the amount of \$800.00 and difficult to manage. The rental unit was built in February 28, 2020 and not subject to the rent control provisions of the Act.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay to the Landlord \$24,586.00. This amount includes rent arrears owing up to February 19, 2023 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before March 25, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 26, 2023 at 5.00% annually on the balance outstanding.

February 14, 2023
Date Issued

John Cashmore
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.