



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

Citation: IMH POOL XX LP v Gallegos, 2023 ONLTB 19831

Date: 2023-02-13

File Number: LTB-L-036441-22

In the matter of: 2207, 2460 WESTON RD
NORTH YORK ON M9N2A4

Between: IMH POOL XX LP Landlord

And

Joseph Medel Gallegos and Macarena Diaz Salgado Tenant

IMH POOL XX LP (the 'Landlord') applied for an order requiring Joseph Medel Gallegos and Macarena Diaz Salgado (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on February 2, 2023.

Only the Landlord's Legal Representative Matt Anderson attended the hearing.

As of 9:59 a.m., 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:

1. The Tenant vacated the rental unit on September 14, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant did not pay the total rent they were required to pay for the period from June 1, 2022 to September 14, 2022.
3. The lawful rent is \$1,760.00. It is due on the 1st day of each month.
4. The Tenant has not made any payments since the application was filed.
5. The rent arrears and daily compensation owing to September 14, 2022 are \$5,975.04

6. The Landlord collected a rent deposit of \$1,760.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy is terminated.
7. Interest on the rent deposit, in the amount of \$14.87 is owing to the Tenant for the period from December 1, 2021 to September 14, 2022.

Order Page: 1 of 2



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Commission de la location immobilière

8. 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 \$4,386.17. This amount includes rent arrears owing up to September 14, 2022 and the cost of the application minus the rent deposit and interest owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before February 24, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 25, 2023 at 5.00% annually on the balance outstanding.

February 13, 2023

Date Issued

Heather Chapple
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.

