



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

Citation: Oxford Properties Group v Mitali, 2023 ONLTB 18960

Date: 2023-02-03

File Number: LTB-L-023718-22

In the matter of: 1709, 75 CHAROLAIS BLVD BRAMPTON
ON L6Y2R8

Between: Oxford Properties Group Landlord

And

Irenee Mitali and Kevin Mitali Tenants

Oxford Properties Group (the 'Landlord') applied for an order to terminate the tenancy and evict Irenee Mitali and Kevin Mitali (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord was represented at the hearing by Faith McGregor. The Tenants were 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 Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment 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 December 1, 2022. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,739.00. It was due on the 1st day of each month.
5. The Tenants have paid \$11,613.00 to the Landlord since the application was filed.
6. The rent arrears owing to December 1, 2022 are \$3,455.17.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,648.96 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.

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9. Interest on the rent deposit, in the amount of \$18.16 is owing to the Tenant for the period from January 1, 2022 to December 1, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of December 1, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$1,974.05. 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 Landlord owes 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 Tenants do not pay the Landlord the full amount owing on or before February 14, 2023, the Tenant will start to owe interest. This will be simple interest calculated from February 15, 2023 at 5.00% annually on the balance outstanding.

February 3, 2023

Date Issued

Bryan Delorenzi

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.

