



**Order under Section 69 / 88.2
Residential Tenancies Act, 2006**

Citation: Kanapathippillai v Williams, 2023 ONLTB 17831

Date: 2023-02-02

In the matter of: 109 ALLEGRANZA AV
WOODBIDGE ON L4H4S3

Between: Kantharuby Murugathasan Landlords
Murugathasan Kanapathippillai

And

Funke Williams Tenants
Semiu Williams

File Number: LTB-L-014598-22

Kantharuby Murugathasan and Murugathasan Kanapathippillai (the 'Landlords') applied for an order to terminate the tenancy and evict Funke Williams and Semiu Williams (the 'Tenants') because:

- the Tenants, another occupant of the rental unit or someone the Tenants permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

The Landlords also applied for an order requiring the Tenants to pay the Landlord's reasonable out-of-pocket expenses that are the result of the Tenant's failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

This application was heard by videoconference on January 24, 2023. The Landlords attended the hearing and were represented by T. Sivapatham. As of 10:49am, 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. As explained below, the Landlords have proven on a balance of probabilities the grounds for termination of the tenancy and the claim for compensation in the application. Therefore, the tenancy will terminate, and the Tenants will be ordered to pay to the Landlords out-of-pocket expenses pertaining to the utility costs.
2. The Tenants were in possession of the rental unit on the date the application was filed.

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3. On January 24, 2022, the Landlords served the Tenants an N5 notice of termination with a termination date of February 20, 2022. The notice of termination alleges that the Tenants have failed to pay \$6,879.52 in water charges to the City of Vaughan.
4. The Tenants did not correct the omission within seven days after receiving the N5 notice of termination. As of the hearing date, the Tenants have not reimbursed the Landlords for the outstanding water charges. Therefore, the Tenant did not void the N5 notice of termination in accordance with s.64(3) of the *Residential Tenancies Act, 2006* (Act).
5. The Landlords have incurred reasonable out-of-pocket expenses of \$6,879.52 as a result of the Tenant's failure to pay the water costs for the period of December 10, 2018 to October 7, 2020.
6. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from eviction:

7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
8. The Tenants were not present at the hearing to dispute the Landlord's allegations and further were not present propose an alternative to eviction or give evidence that the conduct would be corrected going forward. As such, I will grant the Landlord's request for termination of tenancy.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before February 13, 2023.

2. If the unit is not vacated on or before February 13, 2023, then starting February 14, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after February 14, 2023.
4. The Tenants shall pay to the Landlord \$6,879.52, which represents the reasonable out-of-pocket expenses the Landlords have incurred as a result of the unpaid utility costs.
5. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
6. The total amount the Tenants owe the Landlords is \$7,065.52.
7. If the Tenants do not pay the Landlords the full amount owing on or before February 13, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 14, 2023 at 5.00% annually on the balance outstanding.

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February 2, 2023

Date Issued

Fabio Quattrociochi

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on August 14, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

