



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

**Citation:** ROYAL PALACE APARTMENTS v Wade, 2023 ONLTB 17489

**Date:** 2023-01-31

**File Number:** LTB-L-028343-22

**In the matter of:** 603, 3827 LAWRENCE AVE E  
SCARBOROUGH ON M1G1R4

**Between:** ROYAL PALACE APARTMENTS Landlord

**And**

Alexander Wade Tenant

ROYAL PALACE APARTMENTS (the 'Landlord') applied for an order to terminate the tenancy and evict Alexander Wade (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 17, 2023.

Only the Landlord's Legal Representative D. Anton attended the hearing.

As of 1:41 p.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 Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,474.49. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$48.48. This amount is calculated as follows: \$1,474.49 x 12, divided by 365 days.
5. The Tenant has paid \$13,004.17 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$0.00.
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 \$1,180.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$147.50 is owing to the Tenant for the period from April 1, 2015 to January 17, 2023.
10. 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 not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act since only filing fee is in arrears.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$186.00 against costs of filing the application fee.
2. If the Tenant does not pay the Landlord the full amount owing on or before February 28, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 1, 2023 at 5.00% annually on the balance outstanding.

**January 31, 2023**  
**Date Issued**

\_\_\_\_\_  
Sheena Brar  
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.

**Schedule 1**  
**SUMMARY OF CALCULATIONS**

**A. Amount the Tenant must pay on or before February 28, 2023**

|  |                 |
|--|-----------------|
| Rent Owing To January 31, 2023   | \$13,004.17     |
| Application Filing Fee   | \$186.00        |
| NSF Charges  | \$0.00          |
| <b>Less</b> the amount the Tenant paid to the Landlord since the application was filed | - \$13,004.17   |
| <b>Less</b> the amount the Tenant paid into the LTB since the application was filed    | - \$0.00        |
| <b>Less</b> the amount the Landlord owes the Tenant for an{abatement/rebate}           | - \$0.00        |
| <b>Less</b> the amount of the credit that the Tenant is entitled to                    | - \$0.00        |
| <b>Total the Tenant must pay</b>   | <b>\$186.00</b> |

2023 ONL TB 17489 (CanLII)