



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

Citation: Ghag v Pillon, 2023 ONLTB 14606

Date: 2023-01-30

File Number: LTB-L-041551-22

In the matter of: 1660 FULLER CRES
WINDSOR ON N8W5S4

Between: Ranbir Ghag Landlord

And

Kevin Pillon Tenants
Tyler Wasileff

Ranbir Ghag (the 'Landlord') applied for an order requiring Kevin Pillon and Tyler Wasileff (the 'Tenants') to pay the rent that the Tenant owes.

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

The Landlord and the Tenant Tyler Wasileff attended the hearing.

Determinations:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice) by placing the notice in the mailbox or place where mail is normally delivered on July 2, 2022.
2. The Tenant submitted that the rental unit is serviced by a community mailbox from Canada Post and that it is not possible that the Landlord could have served the notice by placing it in the mailbox where mail is normally delivered.
3. The Tenant also submitted a text message from the Landlord dated June 25, 2022 in which the Landlord had replied to the Tenant regarding a maintenance issue that he was out of town and would look into the issue upon return. The Tenant then submitted a text message from the Landlord dated July 6, 2022 stating that the Landlord was back in town and asked to “stop by to see your fridge?”.
4. I was not satisfied on a balance of probabilities that the Landlord could have served the N4 notice of termination in the manner set out, and also I was not satisfied that the Landlord

“happened to be in town” when he claimed the notice had been delivered. Therefore, the Board determined that service was defective.

5. The Landlord requested to convert the application to an L9 application for arrears of rent only. The Landlord acknowledged that the Board would not issue an eviction order.
6. As of the hearing date, the Tenant was still in possession of the rental unit.

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7. The lawful rent is \$1,650.00. It is due on the first day of each month.
8. The Tenant has paid \$1,650.00 to the Landlord after the application was filed.
9. The parties agreed that the arrears of rent for the period ending January 31, 2023 are \$9,900.00.
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 Tenants shall pay to the Landlord \$10,086.00 which represents the amount the Tenant owes the Landlord for arrears of rent and costs.
2. If the Tenants does not pay the Landlord the full amount owing on or before February 10, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 11, 2023 at 5.00% annually on the balance outstanding.

January 30, 2023

Date Issued

Robert Patchett
Vice Chair, 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.

