



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

Citation: Heath Residences v Iakhiaev, 2023 ONLTB 16950

Date: 2023-01-24

File Number: LTB-L-030043-22

In the matter of: 139, 325 BOGERT AVE
NORTH YORK ON M2N1L8

Between: Heath Residences Landlord

And

Sonia Iakhiaev Tenant

Heath Residences (the 'Landlord') applied for an order to terminate the tenancy and evict Sonia Iakhiaev (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques

This application was heard by videoconference on January 19, 2023.

Only the Landlord's Legal Representative Charlie Bobrowsky attended the hearing.

As of 9:45 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 was in possession of the rental unit on the date the application was filed.
2. The Tenant vacated the rental unit on October 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
3. The lawful rent is \$1,619.20. It was due on the first day of each month.
4. The Tenant has paid \$5,620.00 to the Landlord since the application was filed.
5. The rent arrears owing to October 31, 2022, are \$4,052.45.
6. The Landlord did not provide any evidence in support of the claim for NSF fees, therefore there will not be an order for NSF fees.
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 \$1,619.20 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 terminated.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of October 31, 2022, the date the Tenant moved out of the rental unit
2. The Landlord shall pay to the Tenant \$2,619.25. The Tenant owes the Landlord rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application and unpaid NSF charges. The amount of rent deposit and interest the Landlord owes on the rent deposit exceeds the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Landlord does not pay the Tenant the full amount owing on or before February 4, 2023, the Landlord will start to owe interest. This will be simple interest calculated from February 5, 2023, at 5.00% annually on the balance outstanding.

January 24, 2023

Date Issued

Robert Patchett
Vice Chair, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$9,672.45
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5,620.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,619.20
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$2,619.25

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