



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

Citation: Habibianghomi v Shuttleworth, 2023 ONLTB 15604

Date: 2023-01-23

File Number: LTB-L-024122-22

In the matter of: 376 Wood Duck In
Newmarket ON L3X2X5

Between: Bahram Aghakhan and Somayehossadat
Habibianghomi Landlords

And

Peter Shuttleworth and Sara Boucher Tenants

Bahram Aghakhan and Somayehossadat Habibianghomi (the 'Landlords') applied for an order requiring Peter Shuttleworth and Sara Boucher (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on January 4, 2023.

The Landlords and the Tenants attended the hearing.

Determinations:

1. The Tenants vacated the rental unit on June 1, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
2. The Tenants did not pay the total rent they were required to pay for the period from April 1, 2022 to June 1, 2022.
3. The lawful rent was \$1,350.00. It was due on the 1st day of each month.
4. It is undisputed that the Tenants applied their last month's rent deposit to the rent for the month of May 2022, after the parties agreed for the Tenants to move out on May 31, 2022. It is undisputed that the Tenants did not move out until June 1, 2022.
5. The Landlords are seeking arrears of \$169.62 plus a per diem amount of \$44.38 for June 1, 2022, (based on a monthly rent of \$1,350.00), plus their \$186.00 cost of filing the application.
6. The Tenants admit that they unilaterally chose to deduct \$169.62 from the rent for a repair. They allege that the Landlords owe them for this repair, as well as for compensation they are owed as a result of a notice of termination served to them by the Landlords.
7. The Tenants have filed their own application for the amounts they allege that they are owed by the Landlords. That application will be heard in due course.



8. I find that it is undisputed that the Tenants owe \$169.62 for arrears, as well as the \$44.38 for June 1, 2022. Consequently, they also owe the Landlords' \$186.00 cost of filing the application, for a total of \$400.00.

It is ordered that:

1. The Tenants shall pay to the Landlords \$400.00. This amount includes rent arrears owing up to June 1, 2022 and the cost of the application.
2. If the Tenants do not pay the Landlords the full amount owing on or before February 3, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 4, 2023 at 5.00% annually on the balance outstanding.

January 23, 2023
Date Issued

Nancy Morris
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.