



Nancy Meis

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

Citation: Starlight Canadian Residential Growth Fund II v Pham, 2023 ONLTB 15265

Date: 2023-01-19

File Number: LTB-L-024138-22

In the matter of: 909, 2880 CARLING AVE
OTTAWA ON K2B7Z1

Between: Starlight Canadian Residential Growth Fund II Landlord

And

Linh Pham Tenant

Starlight Canadian Residential Growth Fund II (the 'Landlord') applied for an order requiring Linh Pham (the 'Tenant') to pay the rent that the Tenant owes.

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

Only the Landlord's legal representative, E. Bennett, attended the hearing.

As of 10:30 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 vacated the rental unit on June 14, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant did not pay the total rent they were required to pay for the period from April 1, 2022 to June 30, 2022.
3. The lawful rent was \$1,112.18. It was due on the 1st day of each month.
4. The Tenant did not make any payments since the application was filed.
5. The tenancy ended on June 14, 2022, as a result of the Tenant moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.
6. The rent arrears and daily compensation owing to June 14, 2022 are \$2,711.52
7. The Landlord collected a rent deposit of \$1,099 from the Tenant and this deposit is still being held by the Landlord. The rent deposit will be applied to the arrears of rent because the tenancy is terminated.

2023 ONLTB 15265 (CanLII)



8. Interest on the rent deposit, in the amount of \$6 is owing to the Tenant for the period to June 14, 2022.
9. 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 Tenant shall pay to the Landlord \$1,792.52. This amount includes rent arrears owing up to June 14, 2022 and the cost of the application minus the rent deposit and interest owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before January 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from January 31, 2023 at 5.00% annually on the balance outstanding.

January 19, 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.