



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

Citation: 2363753 ONTARIO INC v Botelho, 2023 ONLTB 14799

Date: 2023-01-16

File Number: LTB-L-024811-22

In the matter of: 204, 2500 KEELE ST
NORTH YORK ON M6L2N5

Between: 2363753 ONTARIO INC Landlord

And

Angela Leal and Tenants
Marcio Botelho

2363753 ONTARIO INC (the 'Landlord') applied for an order to terminate the tenancy and evict Angela Leal and Marcio Botelho (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques.

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

Only the Landlord's agent Lee Goldenberg attended the hearing The Landlord's Legal Representative G. Foss was also present.

As of 2:00 p.m., the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,900.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$62.47. This amount is calculated as follows: \$1,900.00 x 12, divided by 365 days.
5. The Tenants have paid \$1,600.00 to the Landlord since the application was filed.
6. The rent arrears owing to July 5, 2022 are \$13,892.35.

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 \$1,900.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy terminated.
9. Interest on the rent deposit, in the amount of \$13.56 is owing to the Tenants for the period from December 1, 2020 to July 5, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of July 5, 2022, the date the Tenants moved out of the rental unit
2. The Tenants shall pay to the Landlord \$12,164.79. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application and unpaid NSF charges. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants does not pay the Landlord the full amount owing on or before January 27, 2023, the Tenants will start to owe interest. This will be simple interest calculated from January 28, 2023 at 5.00% annually on the balance outstanding.

January 16, 2023

Date Issued

Sheena Brar

Member, 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	\$15,492.35
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,600.00
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	- \$1,900.00
Less the amount of the interest on the last month's rent deposit	- \$13.56
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	\$12,164.79