



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

Citation: Mescia v Asahchap, 2022 ONLTB 14232

Date: 2022-12-12

File Number: LTB-L-048902-22

In the matter of: 1, 584 TALBOT STREET
LONDON ON N6A2T3

Between: 5013567 Ontario Inc, Landlords
Michael Mescia

And

Temenu Asahchap Tenant

5013567 Ontario Inc and Michael Mescia (the 'Landlords') applied for an order to terminate the tenancy and evict Temenu Asahchap (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 26, 2022. Only the Landlords Michael Mescia attended the hearing.

Determinations:

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on August 31, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent is \$3,300.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. At the hearing the Landlords submitted that he was giving the Tenant a credit of \$3,300.00.
7. The rent arrears owing to August 31, 2022 are \$19,800.00.
8. The Landlords incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlords collected a rent deposit of \$3,300.00 from the Tenant and this deposit is still being held by the Landlords. The rent deposit is applied to the arrears of rent because the tenancy terminated.

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10. Interest on the rent deposit, in the amount of \$41.12 is owing to the Tenant for the period from August 18, 2020 to August 31, 2022.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated as of August 31, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlords \$16,659.88. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlords owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlords the full amount owing on or before December 23, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 24, 2022 at 4.00% annually on the balance outstanding.

December 12, 2022
Date Issued

Curtis Begg
Member, Landlords 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.

*Note: When the LTB directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$23,100.00
Application Filing Fee	\$201.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlords since the application was filed	- \$0.00
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	- \$3,300.00
Less the amount of the interest on the last month's rent deposit	- \$41.12
Less the amount the Landlords owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$3,300.00
Total amount owing to the Landlords	\$16,659.88