



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** PARK PROPERTY MANAGEMENT INC. v Mustafa, 2022 ONLTB 13215

**Date:** 2022-11-30

**File Number:** LTB-L-021336-22

**In the matter of:** 1710, 600 LOLITA GDNS  
MISSISSAUGA ON L5A3K8

**Between:** Park Property Management Inc. Landlord

**And**

Amir Mustafa, Tenants  
Muna Mustafa

Park Property Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Amir Mustafa, Muna Mustafa (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 27, 2022.

Only the Landlord's Legal Representative A. Sada attended the hearing.

As of 1:57 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 \$1,967.35. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$64.68. This amount is calculated as follows: \$1,967.35 x 12, divided by 365 days.
5. The Tenants have paid \$12,934.01 to the Landlord since the application was filed.
6. As of the hearing date the Tenants had paid all of the rent owing to October 31, 2022 and had a credit of \$50.34.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord's Legal Representative asked an order for just the balance of the filing fee in the amount of \$135.66
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1)(a) of the Act.

**It is ordered that:**

1. The Tenants shall pay the Landlord \$135.66 by December 11, 2022.
2. If the Tenants do not pay the Landlord the full amount owing on or before December 11, 2022, the Tenants will start to owe interest. This will be simple interest calculated from December 12, 2022 at 4.00% annually on the balance outstanding.

**November 30, 2022**

**Date Issued**

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Sheena Brar

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.