



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

Citation: IMH POOL V LP v Bagheri, 2022 ONLTB 13037

Date: 2022-11-30

File Number: LTB-L-022205-22

In the matter of: 704, 350 THE EAST MALL
ETOBICOKE ON M9B3Z7

Between: IMH POOL V LP Landlord

And

farshad Bagheri Tenant

IMH POOL V LP (the 'Landlord') applied for an order to terminate the tenancy and evict farshad Bagheri (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 8, 2022.

Only the Landlord's legal representative, Emma Bennet, attended the hearing.

Determinations:

1. The Landlord 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 is still in possession of the rental unit as of the date of this hearing.
4. The lawful rent is \$1,699.00. It was due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$15,331.76.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

PRELIMINARY MATTER: NOTICE INVALID SERVICE

8. The Landlord served the Tenant with a notice by mail and did not allow for five (5) days mailing pursuant to the Board's Rules of Procedure s. 3.9

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3.9 A document is considered served on the:

a. fifth day after mailing;

In the absence of the Tenant to provide testimony as to whether the document was received within the five days pursuant to s. 191 (2), the Landlord did not meet the service requirements for serving notice to a Tenant.

9. The Landlord's notice is deemed invalid service.

APPLICATION FOR ARREARS

10. The Landlord requested to proceed on an order for arrears claimed in the application. As eviction is not before me the only issue for determination is the amount of outstanding arrears to be paid to the Landlord.
11. At the date of this hearing the Tenant had not paid the lawful rent for November 2022. The Landlord submitted they wished to proceed on arrears up to October 31, 2022, in the amount of \$15,431.76, plus the filing fee of \$186.00.
12. Based on the evidence submissions by the Landlord, I granted the request for an arrears only order and the amounts owing are reflected in this order.
13. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
14. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Tenant shall pay to the Landlord \$15,617.76. 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 Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before December 11, 2022, the Tenant 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

Greg Brocanier
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.

*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	\$15,331.76
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord 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	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
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	\$15,617.34