



Order under Section 69 Residential Tenancies Act, 2006

Citation: Nzokou Tanekou v Harris, 2022 ONLTB 11438

Date: 2022-11-29

File Number: LTB-L-034493-22

In the matter of: 3, 302 LEVIS AVE
VANIER ON K1L6H3

Between: Francois Nzokou Tanekou Landlord

And

Caroline Harris Tenants
Wayne Harris

Francois Nzokou Tanekou (the 'Landlord') applied for an order to terminate the tenancy and evict Caroline Harris and Wayne Harris (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 3, 2022.

The Landlord and the Tenant Caroline Harris 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) via email.
2. Pursuant to Board Rule 3.1 (h), in addition to methods of service identified in the RTA a document may be served on a person or party, by email if the person or party receiving it has consented in writing to service by email.
3. The Landlord was unable to provide proof of written consent for service by email. Therefore, the Tenants are deemed to have not been served the N4 notice of termination.
4. Therefore, the Landlord's application for eviction could not proceed. The Landlord requested to convert the application to an L9 application for arrears only.
5. As of the hearing date, the Tenant was still in possession of the rental unit.
6. The lawful rent is \$1,600.00. It is due on the day of each month.
7. Based on the Monthly rent, the daily rent/compensation is \$52.60. This amount is calculated as follows: \$1,600.00 x 12, divided by 365 days.
8. The Tenant has paid \$5,200.00 to the Landlord since the application was filed.
9. The rent arrears owing to November 30, 2022 are \$(4,400.00).

10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlord collected a rent deposit of \$1,600.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

It is ordered that:

1. The Tenant shall pay to the Landlord \$4,586.00 which represents the amount the Tenant owes the Landlord for arrears of rent and costs for the application fee of \$186.00.
2. If the Tenant does not pay the Landlord the full amount owing on or before December 10, 2022, the Landlord will start to owe interest. This will be simple interest calculated from December 11, 2022 at 4.00% annually on the balance outstanding.

November 29, 2022

Date Issued

Robert Patchett

Vice Chair, 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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay

Rent Owing To November 30, 2022	\$9,600.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5,200.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$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	- \$
Total the Tenant must pay to continue the tenancy	\$4,586.00

2022 ONL TB 11438 (CanLII)