



Order under Section 69 Residential Tenancies Act, 2006

Citation: Granview Property Management v Imaysay, 2022 ONLTB 13296

Date: 2022-11-28

File Number: LTB-L-009371-22

In the matter of: 507, 4075 OLD DUNDAS ST
toronto ON M6S2R7

Between: Granview Property Management Landlord

And

Olive Imaysay, Princell Van Louise Imaysay Tenants

Granview Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Olive Imaysay, Princell Van Louise Imaysay (the 'Tenant') because the Tenant did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 30, 2022.

Only the Landlord's Agent, T. Tam attended the hearing.

As of 1:52 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 Tenant with an invalid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice)
2. On page 1 of the N4 Notice, the Landlord indicates the amount the Tenant must pay to void the Notice is \$4,363.90. On page 2 of the N4 Notice, the amount totaled from the rent arrears calculation table is \$2,893.35. These differing amounts don't afford the Tenant the ability to void the notice, as on one hand, the Landlord indicates \$4,363.90 will void the Notice, but that does not match the total on the chart that the Landlord filled out to calculate the arrears. I find this causes sufficient confusion; therefore I find the N4 Notice to be defective.
3. I advised the Landlord that he could elect to continue today for an arrears only order that does not include eviction or could withdraw this application and start again. The Landlord elected to continue and requested an order for arrears only.
4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The lawful rent is \$1,470.55. It is due on the 1st day of each month.

6. The Tenant has paid \$2,941.11 to the Landlord since the application was filed.
7. The rent arrears owing to August 31, 2022 are \$10,246.09.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

It is ordered that:

1. The Tenant shall pay the Landlord \$10,432.09. This amount represents arrears owing up to August 31, 2022 and the cost to file the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before December 9, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 10, 2022 at 4.00% annually on the balance outstanding.

November 28, 2022

Date Issued

Emily Robb

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.