



**Order under Subsection 87(1)
Residential Tenancies Act, 2006**

Citation: Equiton Residential Income Fund LP. v Spahiu, 2022 ONLTB 13029

Date: 2022-11-24

File Number: LTB-L-023538-22

In the matter of: 301, 170 OLD CARRIAGE DR
KITCHENER ON N2P1Z7

Between: Equiton Residential Income Fund LP. Landlord

And

Agnesa Atemi, Ylber Spahiu Tenant

Equiton Residential Income Fund LP. (the 'Landlord') applied for an order requiring Agnesa Atemi, Ylber Spahiu (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on November 10, 2022, at 1:00 P.M.

Only the Landlord's Legal Representative, Mr. Robert Rose, attended the hearing.

As of 1:50 P.M., the Tenant was 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 Tenant vacated the rental unit on June 1, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
2. The Tenant did not pay the total rent they were required to pay for the period from April 1, 2022 to June 1, 2022.
3. The lawful rent is \$1,580.00. It is due on the 1st day of each month.
4. The Tenant has paid \$1,756.90 to the Landlord after the application was filed.
5. The tenancy ended on June 1, 2022, as a result of the Tenant moving out in accordance with a notice of termination, LTB order or agreement to terminate the tenancy. Therefore, the Tenant's obligation to pay rent also ended on that date.
6. The rent arrears and daily compensation owing to June 1, 2022 are \$1,476.68.
7. The Landlord collected a rent deposit of \$511.72 from the Tenant and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy is terminated.
8. Interest on the rent deposit, in the amount of \$2.25 is owing to the Tenant for the period from August 4, 2021 to June 1, 2022.

9. 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 to the Landlord \$1,148.71. This amount includes rent arrears owing up to June 1, 2022 and the cost of the application minus the rent deposit and interest owing.
2. If the Tenant does not pay the Landlord the full amount owing on or before December 5, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 6, 2022 at 4.00% annually on the balance outstanding.

November 24, 2022

Date Issued

Steven Mastoras

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.