



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

**Citation:** 1717068 Ontario Inc v Parada Mardo, 2022 ONLTB 12091

**Date:** 2022-11-24

**File Number:** LTB-L-022908-22

**In the matter of:** 11, 1128 UPPER WELLINGTON ST  
HAMILTON ON L9A3S6

**Between:** 1717068 Ontario Inc Landlord

**And**

Antonio Parada Mardo Tenants  
Liliana Natalia Vivas Aranzamendi

1717068 Ontario Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Antonio Parada Mardo and Liliana Natalia Vivas Aranzamendi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on November 9, 2022.

Only the Landlord's Agent Roger Kanthiah attended the hearing.

As of 10:48 a.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. Since the Tenants did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

### **Determinations:**

1. At the hearing the Landlord's Agent relied on oral submissions and referred to documents to support their application.
2. 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.
3. As of the hearing date, the Tenants were still in possession of the rental unit.
4. The lawful rent is \$1,700.00. It is due on the 1st day of each month.
5. The Tenants have paid \$13,560.00 to the Landlord since the application was filed.
6. The rent arrears owing to November 30, 2022 are \$40.00.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. At the hearing, the Landlord sought an order for the remaining rental arrears and filing fee only. They no longer sought eviction as the Tenants have made significant payments toward the rental arrears leaving only \$40.00 outstanding. I found this request reasonable and it will be ordered.

**It is ordered that:**

1. The Tenants shall pay to the Landlord \$226.00\*. This amount represents the rental arrears owing and cost of filing the application.
2. If the Tenants do not pay the Landlord the full amount owing on or before December 5, 2022, the Tenants 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**

\_\_\_\_\_  
John Cashmore  
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.

\* Please see attached Schedule A.

**Schedule 1**  
**SUMMARY OF CALCULATIONS**

**A. Amount the Tenants must pay:**

Rent Owing To November 30, 2022	\$13,600.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$13,560.00
<b>Total the Tenants must pay</b>	<b>\$226.00</b>