



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

Citation: SOI Housing Emerald Corporation c/o DMS Property Management Ltd v Kras, 2022
ONLTB 12876

Date: 2022-11-23

File Number: LTB-L-020535-22

In the matter of: 1411-20 Emerald Street North
Hamilton, ON L8L 8A4

Between: SOI Housing Emerald Corporation c/o DMS Property Management Ltd Landlord

And

Trevor Kras Tenant

SOI Housing Emerald Corporation c/o DMS Property Management Ltd (the 'Landlord') applied for an order requiring Trevor Kras (the 'Tenant') to pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on October 25, 2022.

The Landlord's Legal Representatives Frank Calagni and Joshua Labbe attended the hearing on behalf of the Landlord. The Tenant attended the hearing on his own behalf.

Determinations:

1. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The Tenant did not pay the total rent they were required to pay for the period from March 1, 2022 to October 31, 2022.
3. The lawful rent is \$789.00. It is due on the 1st day of each month.
4. The Tenant has paid \$6,339.00 to the Landlord after the application was filed.
5. The rent arrears owing to October 31, 2022 are \$(27.00).
6. The Landlord is entitled to \$40.00 to reimburse the Landlord for administration charges and \$ for bank fees the Landlord incurred as a result of 2 cheques given by or on behalf of the Tenant which were returned NSF.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Tenant testified that he believes he was paid up for the months of March and April however, the Landlord's agent submitted that the Tenant never brought the arrears to a zero balance.

9. The Landlord's Legal Representative submitted that when the Tenant made a rent payment on April 4, 2022, that the Tenant was still a month behind when the application was filed.
10. The Tenant testified that he does not believe he was two months behind but does acknowledge that he may have owed a little bit each month but claims that he was never told about the arrears.
11. Based on the evidence provided by both parties, I am satisfied that the Tenant owes the NSF fees and the Landlord's filing fee for a total of \$209.00.

It is ordered that:

12. The Tenant shall pay to the Landlord \$209.00. This amount includes the NSF fees and the Landlord's filing fee.
13. If the Tenant does not pay the Landlord the full amount owing on or before December 4, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 5, 2022 at 4.00% annually on the balance outstanding.

November 23, 2022

Date Issued

Jagger Benham

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.