



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

Citation: 1920/1944 DAVISVILLE CENTRE INC. v Modeste, 2022 ONLTB 12880

Date: 2022-11-22

File Number: LTB-L-023373-22

In the matter of: 501, 1944 YONGE ST
TORONTO ON M4S3E5

Between: 1920/1944 DAVISVILLE CENTRE INC. Landlord

And

Dalias Modeste Tenant

1920/1944 DAVISVILLE CENTRE INC. (the 'Landlord') applied for an order requiring Dalias Modeste (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on November 10, 2022.

The Landlord and the Tenant attended the hearing at 9:00 A.M.

Only the Landlord attended the hearing.

As of 10:50 A.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 August 31, 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 March 1, 2022 to August 31, 2022.
3. The lawful rent is \$1,518.00. It is due on the 1st day of each month.
4. The Tenant has not made any payments since the application was filed.
5. The tenancy ended on August 31, 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 Landlord collected a rent deposit of \$1518.00 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 terminated.

7. Interest on the rent deposit, in the amount of \$12.13 is owing to the Tenant for the period from January 1, 2022 to August 31, 2022.
8. The rent arrears and daily compensation owing to August 31, 2022 are \$6,072.00.
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 \$4727.87. This amount includes rent arrears owing up to August 31, 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 3, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 4, 2022 at 4.00% annually on the balance outstanding.

November 22, 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.