



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

Citation: Syed v Votour, 2022 ONLTB 12784

Date: 2022-11-21

File Number: LTB-L-009192-22

In the matter of: 600 MONARDIA WAY
OTTAWA ON K4A1C8

Between: Haytham Matroud, Kiran Syed Landlord

And

Gabrielle Votour, Jean Sebastien Tenant
Prudhomme

Haytham Matroud, Kiran Syed (the 'Landlord') applied for an order to terminate the tenancy and evict Gabrielle Votour, Jean Sebastien Prudhomme (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 6, 2022.

The Landlords, Landlord’s representative Peter Balatidis(PB), and the Tenant attended the hearing

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on April 30, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$2,300.00. It was due on the 15th day of each month.
5. The Tenant has paid \$600.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2022 are \$9,109.92.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,300.00 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.
9. The Tenant initially disputed the arrears due to an ongoing issue with the utility bills.

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10. PB objected to this request arguing that the Tenant did not notify the Landlord of his intention to raise these issues and that the Landlord had filed a separate application to address issues with the utility bills.
11. The Tenant proposed a weekly payment plan of \$150 to \$200.00.
12. The Landlord opposed the Tenant's request for a payment plan since the Tenant has vacated the unit and expressed doubt about the Tenant's commitment to this payment plan. The Landlord requested that the Board issue arrears-only order since the Tenant has vacated the rental unit as of April 30, 2022.
13. Pursuant to Rule 19.4 of the Rules of Procedure of the Landlord and Tenant Board, the Tenant did not explain why he did not provide the Landlords with any details about the utility bills he intended to raise at the hearing other than that he needed more time to do so. Therefore, I cannot consider the Tenant's section 82 issues, but he may file his application to have these concerns considered by the Board.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 30, 2022, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord \$6,395.92. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before December 2, 2022, the Tenant will start to owe interest. This will be simple interest calculated from December 3, 2022 at 2.00% annually on the balance outstanding.
4. If the Landlord does not pay the Tenant the full amount owing on or before December 2, 2022, the Landlord will start to owe interest. This will be simple interest calculated from December 3, 2022 at 2.00% annually on the balance outstanding.

November 21, 2022
Date Issued

Percy Laryea
Member, Landlord and Tenant Board

15 Grosvenor St, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$9,109.92
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$600.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,300.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$6,395.92

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