



Order under Section 69 Residential Tenancies Act, 2006

Citation: Gelly v Amuzati, 2022 ONLTB 12067

Date: 2022-11-16

File Number: LTB-L-021975-22

In the matter of: 1-2, 324 CUMBERLAND AVE
HAMILTON ON L8M2A1

Between: Serge Roger Gelly Landlord

And

Alphose Amuzati Tenant

Serge Roger Gelly (the 'Landlord') applied for an order to terminate the tenancy and evict Alphose Amuzati (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 7, 2022.

The Landlord 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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$535.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$17.59. This amount is calculated as follows: \$535.00 x 12, divided by 365 days.
5. The Tenant has paid \$75.00 to the Landlord since the application was filed.
6. There are no rent arrears owing to November 30, 2022.
7. There is no last month's rent deposit.
8. It was undisputed that the Landlord and Tenant have entered into a verbal tenancy agreement and that the parties have agreed that the Tenant would pay the Landlord an additional \$15.00 per month for air conditioning unit use in the summer months.
9. It was also undisputed that the Tenant paid the Landlord \$75.00 on November 7, 2022, the hearing date, representing all the money that was owed to the Landlord up to November 30, 2022. Leaving for determination only the cost of the application filing fee.

10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the condition set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. In the case before me, the Landlord incurred a filing fee, the Tenant shall pay the Landlord the cost of the application filing fee.

It is ordered that:

1. The Tenant shall pay to the Landlord \$186.00 for the cost of the application filing.
2. If the Tenant does not pay the Landlord the full amount owing on or before November 27, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 28, 2022 at 4.00% annually on the balance outstanding.

November 16, 2022

Date Issued

Alicia Johnson

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.