



Order under Section 69 Residential Tenancies Act, 2006

Citation: Asmal v Mcwhirter, 2022 ONLTB 11959

Date: 2022-11-14

File Number: LTB-L-006972-22

In the matter of: 69 MUNRO CIR
BRANTFORD ON N3T0R5

Between: Imran Asmal Landlord

And

Teneshia Elizabeth Mcwhirter Tenant

Imran Asmal (the 'Landlord') applied for an order to terminate the tenancy and evict Teneshia Elizabeth Mcwhirter (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord attended the hearing.

As of 9:21 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.

Preliminary Issues:

The N4 Notice of Termination is invalid, and therefore the Landlord may only seek arrears and not eviction on this application. The Landlord chose to proceed for arrears only and the application is amended accordingly to an L9 application.

Determinations:

1. This matter was previously adjourned on August 16, 2022 due to scheduling overflow and to allow the Tenant to provide information on issues raised at the hearing pursuant to Section 82 of the *Residential Tenancies Act, 2006* (the "Act"). An Interim Order dated August 22, 2022 provided disclosure instructions. As of the date of the hearing, the Tenant had not filed any materials.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The Tenant did not pay the total rent she was required to pay for the period from November 1, 2021 to November 30, 2022.
4. The lawful rent is \$2,050.00. It is due on the 1st day of each month.
5. The Tenant has not made any payments since the application was filed.

6. The rent arrears owing to November 30, 2022 are \$26,650.00.
7. 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 \$26,836.00. This amount includes rent arrears owing up to November 30, 2022 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before November 25, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 26, 2022 at 4.00% annually on the balance outstanding.

November 14, 2022

Date Issued

Margo den Haan
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.