



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

Citation: Cutinho v Virdi, 2022 ONLTB 10953

Date: 2022-11-04

File Number: LTB-L-017660-22

In the matter of: 98 Kingsbridge Garden Circle
Mississauga, ON L5R 1J6

Between: Gilbert Thomas Cutinho Landlords
Janette Cutinho

And

Jasvir Virdi Tenant

Gilbert Thomas Cutinho and Janette Cutinho (the 'Landlords') applied for an order to terminate the tenancy and evict Jasvir Virdi (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 11, 2022.

Only the Landlord Gilbert Thomas Cutinho and the Landlord's Legal Representative, Pooja Lal attended the hearing.

As of 10:23 am, 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 Landlords' evidence.

Determinations:

1. The Landlords 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 August 8, 2022. Rent arrears are calculated up to the date the Tenant vacated the unit
4. The lawful rent is \$3,500.00. It was due on the 1st day of each month.
5. The Tenant has paid \$700.00 to the Landlords since the application was filed.
6. The rent arrears owing to August 8, 2022 are \$25,620.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

It is ordered that:

9. The tenancy between the Landlords and the Tenant is terminated as of August 8, 2022, the date the Tenant moved out of the rental unit
10. The Tenant shall pay to the Landlords \$25,806.56. 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. See Schedule 1 for the calculation of the amount owing.
11. If the Tenant does not pay the Landlords the full amount owing on or before November 15, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 16, 2022 at 4.00% annually on the balance outstanding.

November 4, 2022

Date Issued

Jagger Benham

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	\$26,320.56
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlords since the application was filed	- \$700.00
Total amount owing to the Landlords	\$25,806.56

2022 ONLTB 10953 (CanLII)