



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Cityhousing Hamilton Corporation v Afzali, 2022 ONLTB 11030

**Date:** 2022-11-02

**File Number:** LTB-L-018863-22

**In the matter of:** 802, 170 EAST AVE S  
HAMILTON ON L8N4H6

**Between:** Cityhousing Hamilton Corporation Landlord

**And**

Ruslan Afzali Tenant

Cityhousing Hamilton Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Ruslan Afzali (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 13, 2022.

The Landlord and the Tenant attended the hearing.

Only the Landlord's legal representative, Katherine Howlett, attended the hearing.

As of 3:51 p.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 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 \$742.00. It is due on the first day of each month.
4. The rent arrears owing to October 31, 2022 is \$21.00.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. There is no last month's rent deposit.
7. 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 pursuant to subsection 83(1)(a) of the Act. Specifically, the Landlord does not seek termination of the tenancy.

**It is ordered that:**

1. The Tenant shall pay the Landlord the arrears of rent to October 31, 2022 in the amount of \$21.00.
2. The Tenant shall pay the Landlord the Landlord's cost to file the application in the amount of \$186.00.
3. If the Tenant does not pay the Landlord the full amount owing on or before November 13, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 14, 2022 at 2.00% annually on the balance outstanding.

**November 3, 2022**

**Date Issued**

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Sean Henry

Vice Chair, 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.