



**Order under Subsection 87(1)  
Residential Tenancies Act, 2006**

**Citation:** 21 Welsford Gardens Apts v Olah, 2022 ONLTB 10219

**Date:** 2022-11-02

**File Number:** LTB-L-046175-22

**In the matter of:** 102, 21 Welsford Gardens  
Toronto Ontario M3A2P6

**Between:** 21 Welsford Gardens Apts Landlord

**And**

Katalin Lajho Tenants  
Tibor Olah

21 Welsford Gardens Apts (the 'Landlord') applied for an order requiring Katalin Lajho and Tibor Olah (the 'Tenants') to pay the rent that the Tenants owe.

This application was heard by videoconference on October 24, 2022.

Only the Landlord's Legal Representative Samuel Korman attended the hearing.

As of 11:26 a.m., the Tenants were 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. Since the Tenants did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

**Determinations:**

1. At the hearing the Landlord's Legal Representative relied on oral submissions and referred to documents to support their application.
2. Based on the uncontested evidence of the Landlord's Legal Representative I find the Tenants vacated the rental unit on September 12, 2022. The Tenants were in possession of the rental unit on the date the application was filed.
3. The Tenants did not pay the total rent they were required to pay for the period from February 1, 2022 to September 30, 2022.
4. The lawful rent was \$1,325.51 and increased to \$1,341.42 on September 1, 2022. It was due on the 1st day of each month.
5. The Tenants have paid \$130.00 to the Landlord after the application was filed.
6. The rent arrears owing to September 30, 2022 are \$10,436.48. At the hearing, the Landlord sought rent arrears for the entire month of September 2022 and I found this was reasonable given the Tenants did not provide the Landlord any advance notice they would

be vacating on that date. The Landlord did mitigate their losses and had the rental unit re-rented on October 1, 2022.

7. The Landlord collected a rent deposit of \$1,325.51 from the Tenants and this deposit is still being held by the Landlord. The rent deposit is applied to the arrears of rent because the tenancy is terminated.
8. Interest on the rent deposit, in the amount of \$10.63 is owing to the Tenants for the period from September 2, 2021 until September 1, 2022.
9. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

1. The tenancy is terminated effective September 12, 2022.
2. The Tenants shall pay to the Landlord \$9,301.34\*. This amount includes rent arrears owing up to September 30, 2022 and the cost of the application minus the rent deposit and interest owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before November 13, 2022, the Tenants will start to owe interest. This will be simple interest calculated from November 14, 2022 at 4.00% annually on the balance outstanding.

**November 2, 2022**

**Date Issued**

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John Cashmore

Member, Landlord and Tenants 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.

\* Please see attached Schedule A.

**Schedule 1  
SUMMARY OF CALCULATIONS**

File Number: LTB-L-046175-22

2022 ONLTB 10219 (CanLII)

**A. Amount the Tenants must pay:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	February 1, 2022 until September 30, 2022	\$10,436.48

Less the rent deposit:		-\$1,325.51
Less interest owing by Landlord:		-\$10.63

Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$9,100.34</b>
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Additional costs the Tenants must pay to the Landlord:		\$201.00
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<b>Total the Tenants must pay the Landlord:</b>		<b>\$9,301.34</b>
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