



Order under Section 69 Residential Tenancies Act, 2006

Citation: PARK PROPERTY MANAGEMENT INC. v Murphy, 2022 ONLTB 10929

Date: 2022-11-01

File Number: LTB-L-021304-22

In the matter of: 1104, 63 WIDDICOMBE HILL BLVD
ETOBICOKE ON M9R4B2

Between: PARK PROPERTY MANAGEMENT INC. Landlord

and

Kenneth Marlor, Shana Murphy Tenant

PARK PROPERTY MANAGEMENT INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Kenneth Marlor, Shana Murphy (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 27, 2022.

The Landlord's Agent, Anita Sada, attended the hearing.

As of 2:15 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB.

Determinations:

1. The Landlord served the Tenant with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The N4 Notice was invalid as it included an amount of \$0.88 that was not properly charged as rent.
2. The Landlord elected to proceed for arrears only to the end of October 2022.
3. As of the hearing date, the Tenant was still in possession of the rental unit.
4. The lawful rent is \$1,589.88. It is due on the 1st day of each month.
5. The Tenant has paid \$9,775.00 to the Landlord since the application was filed.
6. On reflection of the above circumstances following the hearing, I find that the amount improperly charged as rent on the N4 Notice is properly deducted from the arrears sought. As a result, I find the rent arrears owing to October 31, 2022 are \$1,333.58.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord's Agent advised the parties agreed the Tenant would pay the arrears on or before November 23, 2022. As a result, interest will not start to run until November 24, 2022.

It is ordered that:

1. The Tenant shall pay to the Landlord \$1,519.58. This amount includes rent arrears owing up to October 31, 2022 and the cost of the application.
2. If the Tenant does not pay the Landlord the full amount owing on or before November 23, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 24, 2022 at 4.00% annually on the balance outstanding.

November 1, 2022

Date Issued

Rebecca Case

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.