



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

Citation: H.P.H.C. v Mounir, 2022 ONLTB 9877

Date: 2022-10-27

File Number: LTB-L-018298-22

In the matter of: 203, 6 HILL HEIGHTS RD
ETOBICOKE ON M8Y1Z1

Between: H.P.H.C. Landlord

And

Malika Mounir, Tenants
Moncef Mounir

H.P.H.C. (the 'Landlord') applied for an order to terminate the tenancy and evict Malika Mounir and Moncef Mounir (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. (L1 application)

This L1 application was heard by videoconference on October 12, 2022.

Only the Landlord's Legal Representative, Maria Bloch, attended the hearing.

As of 11:07 am, 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. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$884.24. It is due on the 1st day of each month.
4. On September 15, 2015, the Landlord collected a rent deposit of \$825.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
5. The Tenants paid \$7,073.92 to the Landlord since the application was filed.
6. The Landlord incurred costs of \$186.00 for filing the L1 application and is entitled to reimbursement of those costs.

7. Based on the Tenants' payment after the filing of the application, and the L1 update sheet that the Landlord's Legal Representative submitted and confirmed, the Tenants have paid all of the rent arrears up to October 31, 2022, but only owe the \$186.00 application filing fee. See Schedule 1 below for confirmation of the amount owing.
8. Consequently, the order below sets out the amount to be paid by the Tenants to the Landlord; in effect, it is an order for an amount owing only, and does not include any eviction.

It is ordered that:

1. On or before October 31, 2022, the Tenants shall pay the Landlord the amount of \$186.00 which represents the L1 application filing fee to be paid.
2. If the Tenants do not pay the Landlord the full amount owing on or before October 31, 2021, the Tenants will start to owe interest. This will be simple interest calculated from November 1, 2022 at 4.00% annually on the balance outstanding

October 27, 2022**Date Issued**

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

Alex Brkic
Member, Landlord and Tenant Board

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 Tenants must pay to the Landlord on or before October 31, 2022

Rent Owing To October 31, 2022	\$7,073.92
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$7,073.92
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Total the Tenants still owe and must pay	\$186.00