



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

**Citation:** Kamboya v Abbott, 2022 ONLTB 9437

**Date:** 2022-10-25

**File Number:** LTB-L-006293-22

**In the matter of:** 3088 EMPEROR DR  
BARRIE ON L3V0G4

**Between:** Vineet Kamboya Landlord

**And**

Pearl Abbott Tenant

Vineet Kamboya (the 'Landlord') applied for an order requiring Pearl Abbott (the 'Tenant') to pay the rent that the Tenant owes.

Vineet Kamboya (the 'Landlord') also applied for an order to terminate the tenancy and evict Pearl Abbott (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on October 17, 2022.

Only the Landlord Vineet Kamboya and the Landlord's Legal Representative Teri Landriault attended the hearing.

As of 9:38 a.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. Since the Tenant 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 Tenant vacated the rental unit on June 30, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
3. As the Tenant had vacated the rental by the date of the hearing, the Landlord requested the consent of the Board to withdraw their L2 application. In accordance with subsection 200(4) of the *Residential Tenancies Act, 2006* (the Act), I consented to the withdrawal of the application.

4. The Tenant did not pay the total rent they were required to pay for the period from January 1, 2022 to June 30, 2022.
5. The lawful rent was \$2,300.00. It was due on the 1st day of each month.
6. The Tenant has not made any payments since the application was filed.
7. The rent arrears owing to June 30, 2022 are \$12,300.00
8. The Landlord collected a rent deposit of \$2,300 from the Tenant 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.
9. Interest on the rent deposit, in the amount of \$13.69 is owing to the Tenant for the period from June 3, 2021 until June 30, 2022.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**It is ordered that:**

1. The Landlord's L2 application is dismissed.
2. The tenancy is terminated effective June 30, 2022.
3. The Tenant shall pay to the Landlord \$10,172.31\*. This amount includes rent arrears owing up to June 30, 2022 and the cost of the application minus the rent deposit and interest owing.
4. If the Tenant does not pay the Landlord the full amount owing on or before November 5, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 6, 2022 at 4.00% annually on the balance outstanding.

**October 25, 2022**

**Date Issued**

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John Cashmore

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.

\* Please see attached Schedule A.

**Schedule 1  
SUMMARY OF CALCULATIONS**

File Number: LTB-L-006293-22

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

Reasons for amount owing	Period	Amount
Arrears:	January 1, 2022 until June 30, 2022	\$12,300.00

Less the rent deposit:		-\$2,300.00
Less interest owing by Landlord:		-\$13.69

Amount owing to the Landlord on the order date: (total of previous boxes)	<b>\$9,986.31</b>
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Additional costs the Tenant must pay to the Landlord:	\$186.00
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<b>Total the Tenant must pay the Landlord:</b>	<b>\$10,172.31</b>
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