



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

Citation: Starlight Canadian Residential Growth Fund II v Yavari, 2022 ONLTB 8945

Date: 2022-10-24

File Number: LTB-L-018181-22

In the matter of: 0319, 3360 PAUL ANKA DR
OTTAWA ON K1V9S2

Between: Starlight Canadian Residential Growth Fund II Landlord

And

Behzad Yavari Tenant

Starlight Canadian Residential Growth Fund II (the 'Landlord') applied for an order requiring Behzad Yavari (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on October 11, 2022.

Only the Landlord's Legal Representative Halima Channiwala attended the hearing.

As of 2:49 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. 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 September 15, 2022. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant did not pay the total rent they were required to pay for the period from January 1, 2022 to September 15, 2022.
4. The lawful rent was \$1,665.00 and increased to \$1,684.98 on June 1, 2022. It was due on the 1st day of each month.
5. The Tenant has paid \$4,900.00 to the Landlord after the application was filed.
6. The rent arrears and daily compensation owing to September 15, 2022 are \$7,293.83

7. The Landlord collected a rent deposit of \$1,665 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.
8. Interest on the rent deposit, in the amount of \$14.12 is owing to the Tenant for the period from January 1, 2022 until September 15, 2022.
9. 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 tenancy is terminated effective September 15, 2022.
2. The Tenant shall pay to the Landlord \$5,800.71*. This amount includes rent arrears and daily compensation owing up to September 15, 2022 and the cost of the application minus the rent deposit and interest owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before November 4, 2022, the Tenant will start to owe interest. This will be simple interest calculated from November 5, 2022 at 4.00% annually on the balance outstanding.

October 24, 2022

Date Issued

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-018181-22

A. Amount the Tenants must pay:

Reasons for amount owing	Period	Amount
Arrears and daily compensation	January 1, 2022 until September 15, 2022	\$7,293.83

Less the rent deposit:		-\$1,665.00
Less interest owing by Landlord:		-\$14.12

Amount owing to the Landlord on the order date: <small>(total of previous boxes)</small>	\$5,614.71
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Additional costs the Tenants must pay to the Landlord:	\$186.00
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Total the Tenants must pay the Landlord:	\$5,800.71
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