



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

Citation: 786 Hamdani Ltd v Chase, 2022 ONLTB 9228

Date: 2022-10-20

File Number: LTB-L-016638-22

In the matter of: 316, 6601 MCLEOD RD
NIAGARA FALLS ON L2G3G3

Between: 786 Hamdani Ltd Landlord

And

Kellon Mcsween, Latasha Chase Tenants

786 Hamdani Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Kellon Mcsween, Latasha Chase (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on September 29, 2022.

Only the Landlord's employee J Corrigan attended the hearing.

As of 10:25 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. The Tenants was in possession of the rental unit on the date the application was filed.
3. The Landlord's employee testified that the Tenants had last been seen in the building on February 28, 2022, and that the Landlord believed them to be in possession on March 23, 2022 when the Landlord filed their application. The Landlord's employee testified that the Landlord had the locks changed on the apartment on April 30, 2022 and that the Tenants did not receive keys to the new locks. Rent arrears are calculated up to the date the Landlord changed the locks on the apartment.
4. The lawful rent is \$904.00. It was due on the 1st day of each month.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to April 30, 2022, after which the Tenants were no longer in possession of the rental unit, are \$2,138.00.

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7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$875.00 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 terminated.
9. Interest on the rent deposit, in the amount of \$31.57 is owing to the Tenants for the period from March 1, 2019 to April 30, 2022.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of April 30, 2022, the date the Landlord changed the locks and the Tenants lost possession of the rental unit.
2. The Tenants shall pay to the Landlord \$1,417.43. This amount includes rent arrears owing up to the date the tenancy terminated and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants do not pay the Landlord the full amount owing on or before October 31, 2022, 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 20, 2022
Date Issued

Heather Kenny
Member, Landlord and Tenants Board

15 Grosvenor St, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenants must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$2,138.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$875.00
Less the amount of the interest on the last month's rent deposit	- \$31.57
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlord	\$1,417.43

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