



I hereby certify this is a
true copy of an Order dated
June 3, 2024

Landlord and Tenant Board

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

Citation: Joydip v Meisenheimer, 2024 ONLTB 39065

Date: 2024-06-03

File Number: LTB-L-007337-24-AO

In the matter of: BASEMENT, 2393 HARGOOD PL
MISSISSAUGA ON L5M3G2

Between: Joydin Dutta Landlord
Raka Dhar

And

Megan Ann Meisenheimer Tenant

This order amends the original order issued on May 23, 2024, which contained clerical errors. All changes to the original order are issued in underlined and bolded script.

Joydip Dutta and Raka Dhar (the 'Landlord') applied for an order to terminate the tenancy and evict Megan Ann Meisenheimer (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (L1 Application) and because the Tenant has been persistently late in paying the rent (L2 Application).

These applications were heard by videoconference on May 2, 2024. Only Landlord Dutta Joydip and the Landlords' representative, Kaili Horney attended the hearing. As of 1:45 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. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

L1 Application

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,845.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$60.66. This amount is calculated as follows: \$1,845.00 x 12, divided by 365 days.
5. The Tenant has paid \$3,690.00 to the Landlord since the application was filed.

6. The rent arrears owing to May 31, 2024 are \$6,380.00.

L2 Application

7. This is a monthly tenancy, and rent is due on the first day of each month. The evidence before me reveals that the Tenant has not paid the full rent when due for 12 of the 12 months before the hearing date. I am satisfied that the Tenant has been persistently late in paying the rent.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. **The Landlord collected a rent deposit of \$1,800.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit shall be applied to the last rental period of the tenancy as the tenancy is terminated.**
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated.
2. The Tenant shall pay to the Landlord **\$3,042.32**. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. The Tenant shall also pay the Landlord compensation of \$60.66 per day for the use of the unit starting May 3, 2024 until the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing on or before June **14**, 2024, the Tenant will start to owe interest. This will be simple interest calculated from June **15**, 2024 at 7.00% annually on the balance outstanding.
5. If the unit is not vacated on or before June **14**, 2024, then starting June **15**, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after June **14**, 2024.

May 23, 2024
Date Issued

Dawn Sullivan

Dawn Sullivan
Vice Chair, Landlord and Tenant Board

June 3, 2024
Date Amended

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on December 14, 2024 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Hearing Date	\$8,346.32
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$3,690.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<u>Less the amount of the last month's rent deposit</u>	- \$1,800.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
<u>Total amount owing to the Landlord</u>	<u>\$3,042.32</u>
Plus daily compensation owing for each day of occupation starting May 3, 2024	\$60.66 (per day)