



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

Citation: Elkordi v Atangana, 2023 ONLTB 73494

Date: 2024-03-28

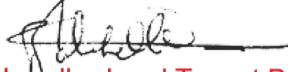
File Number: LTB-L-023379-23

In the matter of: 4234 THOMAS ALTON BLVD
BURLINGTON ON L7M0M7

Between: Raja Elkordi

And

Annette Atangana and Robert Atangana

I hereby certify this is a
true copy of an Order dated
Mar 28, 2024

Landlord and Tenant Board

Landlord

Tenants

Raja Elkordi (the 'Landlord') applied for an order to terminate the tenancy and evict Annette Atangana and Robert Atangana (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on October 26, 2023.

Only the Landlord and the landlord's Legal Representative Paul Ralram and the Landlord Raja Elkordi attended the hearing.

As of 9:35 a.m., the Tenants was not present or represented at the hearing although properly served with notice of this hearing by the LTB.

The co-chair who has participated in this hearing is unable to participate in the decision, therefore, the remaining member has made this decision.

Preliminary Issue:

1. On the eve of the hearing, the Tenants requested an adjournment of the hearing date to pay their final respects to a relative of the Tenants who had passed away overseas. The Tenants did not seek consent of the Landlord and had not disclosed this request to the Landlord in advance of the hearing.
2. The Landlord representative argued that the Board should deny the request because the Tenants had already vacated the rental unit on September 7, 2023, had previously requested an adjournment, and the Landlord would be psychologically and financially prejudiced if the Tenants were granted another adjournment.
3. The Board is satisfied that the Tenants would not be prejudiced if the request were denied. As a result, the Board denied the request and the hearing proceeded with only the Landlord's evidence.

Determinations:

4. 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.
5. The Tenants was in possession of the rental unit on the date the application was filed.
6. The Tenants vacated the rental unit on September 7, 2023. Rent arrears are calculated up to the date the Tenants vacated the unit.
7. The lawful rent is \$3,150.00. It was due on the 1st day of each month.
8. The Tenants has paid \$2,400.00 to the Landlord since the application was filed.
9. The rent arrears owing to September 7, 2023, are \$22,303.93.
10. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
11. The Landlord collected a rent deposit of \$3,150.00 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.
12. Interest on the rent deposit, in the amount of \$73.79 is owing to the Tenants for the period from October 1, 2022, to September 7, 2023.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of September 7, 2023, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$16,866.14. This amount includes rent arrears owing up to the date the Tenants moved out of the rental unit and the cost of filing the application. The \$2,400.00 rent that the Tenants had paid since the Landlord filed the application, the \$3,150.00 last month's deposit and the \$73.79 interest on the last month's rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. If the Tenants does not pay the Landlord the full amount owing on or before November 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from November 29, 2023, at 7.00% annually on the balance outstanding.

March 28, 2024
Date Issued



Robert Patchett
Vice-Chair, 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	\$22,303.93
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$2,400.00
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	- \$3,150.00
Less the amount of the interest on the last month's rent deposit	- \$73.79
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	\$16,866.14

