



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

File Number: LTB-L-068518-24

In the matter of: 212, 25 TELEGRAM MEWS
TORONTO ON M5V3Z1

Between: Matthew Wakisaka

And

Brock Turkoglu
Alexis Macapalgal

I hereby certify this is a
true copy of an Order dated
Dec 05, 2024
Landlord and Tenant Board

Landlord

Tenants

Matthew Wakisaka (the 'Landlord') applied for an order to terminate the tenancy and evict Brock Turkoglu and Alexis Macapalgal (the 'Tenants') because the Tenants did not pay the rent that the Tenants' owe.

This application was heard by videoconference on November 28, 2024.

Only the Landlord attended the hearing.

As of 10:10 a.m., 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.

Preliminary Issue:

1. The Landlord submitted a request to amend the application to add the second Tenant, Alexis Macapalgal, to the application as there was a clerical error made at the time of filing the application. They submitted that the amendment did not affect the validity of the notice of termination as both Tenants were properly named in the N4 notice.
2. Based on the submissions of the Landlord, I consented to the request, pursuant to section 200(1) of the *Residential Tenancies Act, 2006* (the 'Act') and Rule 15.3 of the Board's Rules of Procedure.

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 were in possession of the rental unit on the date the application was filed.

3. The Tenants vacated the rental unit on September 30, 2024. Rent arrears are calculated up to the date the Tenants vacated the unit.
4. The lawful rent is \$1,966.97. It was due on the 1st day of each month.
5. The Tenants has not made any payments since the application was filed.
6. The rent arrears owing to September 30, 2024 are \$3,933.94.
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 \$1,850.00 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 \$107.96 is owing to the Tenants for the period from June 1, 2022 to September 30, 2024.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of September 30, 2024, the date the Tenants moved out of the rental unit.
2. The Tenants shall pay to the Landlord \$2,161.98. 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 rent deposit and interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenant. 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 December 16, 2024, the Tenants will start to owe interest. This will be simple interest calculated from December 17, 2024 at 6.00% annually on the balance outstanding.

December 5, 2024
Date Issued



Colette Myers
Member, Landlord and Tenant 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 Tenant must pay as the tenancy is terminated

Rent Owing To Move Out Date	\$3,933.94
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount of the last month's rent deposit	- \$1,850.00
Less the amount of the interest on the last month's rent deposit	- \$107.96
Total amount owing to the Landlord	\$2,161.98