Tribunals Ontario
Landlord and Tenant Board

Tribunaux décisionnels Ontario
Commission de la location immobilière

Order under Section 69
Residential Tenancies Act, 2006

Citation: Tran v Adbdul-Haqq, 2024 ONLTB 82205
Date: 2024-11-06
File Number: LTB-L-081875-23

In the matter of: 1013, 34 TUBMAN AVE
TORONTO ON M5A0R2

Between: Lan Thi Thuy Tran   Landlord

And

Kamal Adbdul-Haqq   Tenant

Lan Thi Thuy Tran (the 'Landlord') applied for an order to terminate the tenancy and evict Kamal Adbdul-Haqq (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on September 10, 2024.

The Landlord Lan Thi Thuy Tran, Landlord's Legal Representative Tanya Raveendran, and the Tenant's Legal Representative Mode Alturki attended the hearing.

Determinations:

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

3. The Tenant vacated the rental unit on April 8, 2024. Rent arrears are calculated up to the date the Tenant vacated the unit.

4. The lawful rent is $2,300.00. It was due on the 1st day of each month.

5. The Tenant has not made any payments since the application was filed.

6. The rent arrears owing to April 8, 2024, are $16,825.00.

7. The Landlord is entitled to $45.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of a cheque given by or on behalf of the Tenant which was returned NSF.

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 $2,300.00 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 terminated.

10. Interest on the rent deposit, in the amount of $92.32 is owing to the Tenant for the period from September 1, 2022, to April 8, 2024.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 8, 2024, the date the Tenant moved out of the rental unit.

2. The Tenant shall pay to the Landlord $14,663.00. This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application and unpaid NSF charges. 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 Tenant does not pay the Landlord the full amount owing on or before November 17, 2024, the Tenant will start to owe interest. This will be simple interest calculated from November 18, 2024, at 6.00% annually on the balance outstanding.

November 6, 2024
Date Issued

Kyle Anderson
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	$16,825.00
Application Filing Fee	$186.00
NSF Charges	$45.00
Less the amount the Tenant paid to the Landlord since the application was filed	- $0.00
Less the amount the Tenant paid into the LTB since the application was filed	- $0.00
Less the amount of the last month's rent deposit	- $2,300.00
Less the amount of the interest on the last month's rent deposit	- $92.32
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
Total amount owing to the Landlord	**$14,663.00**