



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

File Number: LTB-L-041985-24

In the matter of: Lower Unit, 4 QUINLAN RD
BARRIE ON L4M7A9

Between: Sergei Palchik Landlords
Natalia Palchik

And

Daniel Van muyen Tenant

Sergei Palchik and Natalia Palchik (the 'Landlords') applied for an order to terminate the tenancy and evict Daniel Van muyen (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 26, 2026.

Only the Landlords Legal Representative Elina Vasilieva and the Landlord Natalia Palchik attended the hearing.

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:

1. This matter had been previously adjourned so that the Landlord could serve the notice of hearing on the Tenant when the notice of hearing for the September 16, 2024 hearing had been returned as undeliverable.
2. I was not satisfied that the lease agreement provided consent by all the parties to service of documents and notices. Specifically, the Landlord had not included their email address at that section of the standard lease. The courts have found that if there is ambiguity it must be resolved in favour of the Tenant; see *Price V. Turnbull's Grove Inc.*, [2007] O.J. 2177 at paragraph 44.
3. The Landlord referred to DOC-7225152 at pages 22 and 23, where the Landlord provided evidence that they had emailed the notice for this hearing to the Tenant, on January 5, 2026 and on January 9, 2026, and that the Tenant had responded on January 15, 2026.

Therefore, in accordance with Rule 3.3 c. ii I was satisfied that the notice of hearing for today's proceeding actually came to the attention of the former tenant.

4. 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.
5. The Tenant was in possession of the rental unit on the date the application was filed.
6. The Tenant vacated the rental unit on June 3, 2024. Rent arrears are calculated up to the date the Tenant vacated the unit
7. The lawful rent is \$1,300.00. It was due on the first day of each month.
8. The Tenant has not made any payments since the application was filed.
9. The rent arrears owing to June 3, 2024, are \$5,328.22.
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 \$1,250.00 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.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of June 3, 2024, the date the Tenant moved out of the rental unit.
2. The Tenant shall pay to the Landlord \$4,264.22. 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. 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 February 8, 2026, the Tenant will start to owe interest. This will be simple interest calculated from February 9, 2026 at 4.00% annually on the balance outstanding.

January 28, 2026

Date Issued

Robert Patchett

Vice Chair, Landlord and Tenant Board

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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Move Out Date	\$5,328.22
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,250.00
Total amount owing to the Landlord	\$4,264.22