



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

**File Number: LTB-L-080412-23**

**In the matter of:** 3, 14233 Little Lake Road Brighton ON K0K1H0

**Between:** Xizhen Chai Landlord

**and**

Tiffany Clarke Tenant

Xizhen Chai (the 'Landlord') applied for an order to terminate the tenancy and evict Tiffany Clarke (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was scheduled to be heard by videoconference on February 7, 2024. Instead, the Tenant who had consulted with Tenant Duty Counsel and the Landlord participated in a mediation session.

**The parties agreed that:**

1. The lawful rent is \$1,640.00. It is due on the 21st day of each month.
2. Based on the Monthly rent, the daily rent/compensation is \$53.92. This amount is calculated as follows: \$1,640.00 x 12, divided by 365 days.
3. The Tenant has not made any payments since the application was filed.
4. The rent arrears owing to February 20, 2024 are \$9,840.00.
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
6. The Landlord collected a rent deposit of \$1,600.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
7. Interest on the rent deposit, in the amount of \$48.77 is owing to the Tenant for the period from November 20, 2022 to February 7, 2024.

**On consent of the parties, it is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - \$10,026.00 if the payment is made on or before February 20, 2024. See Schedule 1 for the calculation of the amount owing.

**OR**

- \$11,666.00 if the payment is made on or before March 20, 2024. See Schedule 1 for the calculation of the amount owing.

**OR**

- \$13,306.00 if the payment is made on or before March 21, 2024. See Schedule 1 for the calculation of the amount owing.

3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after March 21, 2024 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before March 21, 2024**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$7,707.79. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
6. The Tenant shall also pay the Landlord compensation of \$53.92 per day for the use of the unit starting February 8, 2024 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before March 21, 2024, the Tenant will start to owe interest. This will be simple interest calculated from March 22, 2024 at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before March 21, 2024, then starting March 22, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 March 22, 2024.

**February 12, 2024**

**Date Issued**



Lindsay Phomin

Hearings Officer, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on September 22, 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 to void the eviction order and continue the tenancy if the payment is made on or before February 20, 2024**

Rent Owing To February 20, 2024	\$9,840.00
Application Filing Fee	\$186.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$10,026.00</b>

**B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 20, 2024**

Rent Owing To March 20, 2024	\$11,480.00
Application Filing Fee	\$186.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$11,666.00</b>

**C. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 21, 2024**

Rent Owing To April 20, 2024	\$13,120.00
Application Filing Fee	\$186.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$13,306.00</b>

**D. Amount the Tenant must pay if the tenancy is terminated**

Rent Owing To Hearing Date	\$9,170.56
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,600.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$48.77
<b>Total amount owing to the Landlord</b>	<b>\$7,707.79</b>
Plus daily compensation owing for each day of occupation starting February 8, 2024	\$53.92 (per day)