



Nov 7, 2023

Landlord and Tenant Board

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

File Number: LTB-L-056743-23

Date: 2023-11-07

In the matter of: 3323 THUNDERBIRD PROM
PICKERING ON L1X 0N4

Between: Zia-ul Islam and Maryam Jawed Qamar Landlords

And

Nicole Campbell Tenant

Zia-ul Islam and Maryam Jawed Qamar (the 'Landlords') applied for an order to terminate the tenancy and evict Nicole Campbell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The parties reached an agreement and informed the Board via the Online Dispute Resolution tool of the Tribunals Ontario Portal. The application was mediated by videoconference on October 20, 2023 by Denise Hannivan, a Dispute Resolution Officer (DRO) with the Landlord and Tenant Board. The Landlord Zia-ul Islam and the Landlords' representative Jordan Nieuwhof, and the Tenant Nicole Campbell participated in mediation.

During mediation the parties reached an agreement and requested an Order on Consent in full and final settlement of the application. I was satisfied that the parties understood the consequences of their consent.

The parties agree that:

- (1) Royen Davidson is an occupant and not a tenant, so his name is removed from this application and the resulting order.
- (2) The current lawful rent is \$2,650.00 per month which is due on the 15th of each month.
- (3) As of the hearing date, the Tenant was still in possession of the rental unit.
- (4) Based on the Monthly rent, the daily rent/compensation is \$87.12. This amount is calculated as follows: \$2,650.00 x 12, divided by 365 days.
- (5) The Tenant has not made any payments since the application was filed.
- (6) The rent arrears owing to November 14, 2023 are \$13,250.00.
- (7) The Landlords are also entitled to reimbursement of \$253.00 for costs incurred, representing \$186.00 for filing the application and \$67.00 for three NSF cheques.

- (8) The Landlords collected a rent deposit of \$2,650.00 from the Tenant on January 9, 2023 and this deposit is still being held by the Landlords. No interest on this deposit has been paid to the Tenant and the Landlords owe the Tenant \$55.73 in interest. The rent deposit can only be applied to the last rental period of the tenancy.
- (9) The tenancy will terminate in a final and non-voidable manner on November 30, 2023.

On consent it is ordered that:

- 1. The tenancy between the Landlords and the Tenant is terminated on November 30, 2023.
- 2. The Tenant shall pay the Landlords \$12,055.35 representing \$13,250.00 in arrears owing through November 30, 2023, the \$186.00 filing fee and \$253.00 in costs LESS \$1,393.92 (the per diem amount of \$87.12 per day for the 16 days from November 15 to November 30, 2023 as the last rent month's rent deposit is for November 1 to 30, 2023) and less the interest on the deposit of \$53.73.
- 3. The Tenant shall pay the amount in paragraph two as follows:

Date Payment Due	Amount of Payment
November 15, 2023	\$1,000.00
December 15, 2023	\$1,000.00
January 15, 2024	\$1,000.00
February 15, 2024	\$1,000.00
March 15, 2024	\$1,000.00
April 15, 2024	\$1,000.00
May 15, 2024	\$1,000.00
June 15, 2024	\$1,000.00
July 15, 2024	\$1,000.00
August 15, 2024	\$1,000.00
September 15, 2024	\$1,000.00
October 15, 2024	\$1,055.35

- 4. If the Tenant does not make any one of the payments to the Landlords listed in paragraph 2, the Tenant will start to owe interest on the full balance owing. This will be simple interest calculated at 7.00% annually on the balance outstanding.
- 5. If the unit is not vacated on or before November 30, 2023, then starting December 1, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 6. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlords on or after December 1, 2023.
- 7. The Tenant shall also pay the Landlords compensation of \$87.12 per day for the use of the unit starting December 1, 2023 until the date the Tenant moves out of the unit.

8. The hearing scheduled for this application scheduled for December 7, 2023 is cancelled.
9. This Order on Consent is in full and final settlement of the application.

November 7, 2023
Date Issued

Denise Hannivan
Hearing 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.