



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

Citation: Ladwa v Kerrigan, 2024 ONLTB 14196

Date: 2024-02-28

File Number: LTB-L-049965-23

In the matter of: 8 FORDCOMBE CRES
MARKHAM ON L3R3E8

Between: Praneil Ladwa

And

Marnie Leigh Kerrigan
Marlena Marie Erin Hendry
Rosemary Kerrigan

I hereby certify this is a
true copy of an Order dated
FEB 28, 2024
Landlord and Tenant Board

Landlord

Tenants

Praneil Ladwa (the 'Landlord') applied for an order to terminate the tenancy and evict Marnie Leigh Kerrigan, Marlena Marie Erin Hendry and Rosemary Kerrigan (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe, and because the Tenants have been persistently late in paying their rent.

This application was heard by videoconference on January 9, 2024.

The Landlord, the Landlord's legal representative, Alina Shpak, the Tenants, Marlena Hendry and Marnie Kerrigan, and the Tenants' legal representative, Greg Ovoyan, attended the hearing.

The parties before the Board consented to the following order. In particular, I was satisfied the Tenant understood the consequence of agreeing to terminate the tenancy. As the parties agreed to terminate the tenancy pursuant to s.37 (3) of this Act, this order endorses that agreement. As such, there is no opportunity for the tenant to void the termination agreed to by paying the outstanding arrears.

Agreed Upon Facts:

1. The lawful rent is \$3,500.00. It is due on the 1st day of each month.
2. Based on the Monthly rent, the daily rent/compensation is \$115.07. This amount is calculated as follows: \$3,500.00 x 12, divided by 365 days.
3. The total rent arrears owing to January 31, 2024 and costs is \$24,536.50.
4. The Landlord collected a rent deposit of \$3,500.00 from the Tenants 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. It will be applied to the month of February, 2024.
5. Interest on the rent deposit, in the amount of \$133.34 is owing to the Tenants for the period from December 25, 2020 to January 9, 2024.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of February 29, 2024.
2. The Tenants shall also pay the Landlord compensation of \$115.07 per day for the use of the unit starting March 1, 2024 until the date the Tenants moves out of the unit.
3. If the Tenants do not pay the Landlord the full amount owing on or before February 29, 2024, the Tenants will start to owe interest. This will be simple interest calculated from March 1, 2024 at 7.00% annually on the balance outstanding.
4. If the unit is not vacated on or before February 29, 2024, then starting March 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. 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 1, 2024.

February 28, 2024
Date Issued


Dawn Carr
Member, Landlord and Tenants 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 11, 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 Tenants must pay as the tenancy is terminated

Rent Owing To February 29, 2024	\$33,150.50
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$5,300.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$3,500.00
Less the amount of the interest on the last month's rent deposit	- \$133.34
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlord	\$24,403.16
Plus daily compensation owing for each day of occupation starting March 1, 2024	\$115.07 (per day)