



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

File Number: CEL-92227-20

In the matter of: 132 OWLRIDGE DRIVE
BRAMPTON ON L6X0M7

Between: Moiz Biviji
Shirin Alibhai

I hereby certify this is a true copy of the Order
(Name of the document)

Landlords

(Signature of Staff Member)

OCT 13 2020

and

Cassandra Kerr
Cindy Kerr
Felisha Hylton-green
Peter Kerr

Landlord and Tenant Board

Tenants

Moiz Biviji and Shirin Alibhai (the 'Landlords') applied for an order to terminate the tenancy and evict Felisha Hylton-green, Cassandra Kerr, Cindy Kerr and Peter Kerr (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlords also claimed NSF cheque charges.

This application was heard by a video conference on September 23, 2020.

Only the Landlord, M. Biviji, attended the hearing.

Determinations:

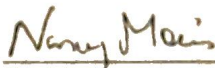
1. The Tenants are in possession of the rental unit.
2. The monthly rent as of the date of the hearing is \$2,450.00.
3. The Tenants have not paid the total rent the Tenants were required to pay for the period from November 1, 2019 to September 30, 2020. Because of the arrears, the Landlords served a Notice of Termination.
4. The Landlords incurred charges of \$45.00 for cheques tendered by or on behalf of the Tenants, which were returned NSF.
5. The Landlords collected a rent deposit of \$2,450.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from June 20, 2019 to September 30, 2020.
7. The Tenants have made no payments since the application was filed.

- 8 I have considered all of the disclosed circumstances in accordance with subsection 83(6) of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant, and find that the Landlord communicated to the Tenant to propose a payment plan for the arrears of rent.
- 9 I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

- 1 Unless the Tenants void the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 12, 2020.
- 2 The Tenants shall pay to the Landlords \$20,406.28*, which represents the amount of rent owing and compensation up to October 1, 2020 and the total charges related to NSF cheques tendered to the Landlords by or on behalf of the Tenants, less the rent deposit and interest the Landlords owe on the rent deposit.
- 3 The Tenants shall also pay to the Landlords \$80.55 per day for compensation for the use of the unit starting October 2, 2020 to the date the Tenants move out of the unit.
- 4 The Tenants shall also pay to the Landlords \$175.00 for the cost of filing the application.
- 5 If the Tenants do not pay the Landlords the full amount owing* on or before October 12, 2020, the Tenants will start to owe interest. This will be simple interest calculated from October 13, 2020 at 2.00% annually on the balance outstanding.
- 6 If the unit is not vacated on or before October 12, 2020, then starting October 13, 2020, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 7 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 October 13, 2020.
- 8 If, on or before October 12, 2020, the Tenants pay the amount of \$25,470.00** to the Landlords or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenants could remain in the unit. If this payment is not made in full and on time, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 9 The Tenants may make a motion to the Board under subsection 74(11) of the Act to set aside this order if they pay the amount required under that subsection on or after October 13, 2020 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

October 1, 2020
Date Issued



Nancy Morris
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G6

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 April 13 2021 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

- * Refer to section A on the attached Summary of Calculations
- ** Refer to section B on the attached Summary of Calculations

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: CEL-92227-20

A. Amount the Tenants must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2019 to September 30, 2020	\$22,800.00
Plus compensation:	October 1, 2020 to October 1, 2020	\$80.55
Less the rent deposit:		-\$2,450.00
Less the interest owing on the rent deposit:	June 20, 2019 to September 30, 2020	-\$69.27
NSF cheque charges:		\$45.00
Amount owing to the Landlords on the order date: (total of previous boxes)		\$20,406.28
Additional costs the Tenants must pay to the Landlords:		\$175.00
Plus daily compensation owing for each day of occupation starting October 2, 2020:		\$80.55 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$20,581.28, + \$80.55 per day starting October 2, 2020

B. Amount the Tenants must pay to void the eviction order and continue the tenancy:

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2019 to October 31, 2020	\$25,250.00
Additional costs the Tenants must pay to the Landlords:		\$175.00
NSF cheque charges:		\$45.00
Total the Tenants must pay to continue the tenancy:	On or before October 12, 2020	\$25,470.00