



MAY 16, 2023

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

Citation: Ambrose v Green, 2023 ONLTB 38232

Date: 2023-05-16

File Number: LTB-L-006743-23

In the matter of: 14, 630 ROGERS RD
YORK ON M6M0B4

Between: Jenelle Ambrose Landlord

And

Dwayne Fuller and Paula Green Tenants

Jenelle Ambrose (the 'Landlord') applied for an order to terminate the tenancy and evict Dwayne Fuller and Paula Green (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on May 10, 2023.

The Landlord, the Landlord's Legal Representative, Bryan Rubin, the Tenant, Paula Green representing both Tenants, and the Tenant's Agent, Shakara Green, attended the hearing

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

At the hearing, the parties agreed:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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.
2. The Tenants are in possession of the rental unit.
3. The lawful rent is \$2,300.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$75.62. This amount is calculated as follows: \$2,300.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to May 31, 2023, are \$15,700.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.
9. The parties requested a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of May 31, 2023. The application is amended to include an L3 application for termination of the tenancy. As a consequence, the Tenants do not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before **May 31, 2023**.
2. If the unit is not vacated on or before May 31, 2023, then starting June 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 June 1, 2023.
4. The Tenants shall pay to the Landlord **\$15,886.00**. This amount includes rent arrears owing up to May 31, 2023, plus the cost of filing the application.
5. If the Tenants do not leave on or before May 31, 2023, the Tenants shall also pay the Landlord compensation of **\$75.62** per day for the use of the unit starting June 1, 2023, until the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlord the full amount owing on or before June 30, 2023, the Tenants will start to owe interest. This will be simple interest calculated from July 1, 2023, at 6.00% annually on the balance outstanding.

May 16, 2023
Date Issued

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

15 Grosvenor St, 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 December 1, 2023, 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.