



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

Citation: El-Kaisi v Foster, 2024 ONLTB 8652

Date: 2024-02-02

File Number: LTB-L-064150-22

In the matter of: 47 INVERARY RD
LONDON ON N6G3L5

Between: Haqi El-Kaisi

And

Rollis V. Foster

I hereby certify this is a
true copy of an Order dated
FEB 02, 2024

Landlord and Tenant Board

Landlord

Tenant

Haqi El-kaisi (the 'Landlord') applied for an order to terminate the tenancy and evict Rollis V. Foster (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes and because the Landlord in good faith requires possession of the rental unit for the purpose of residential occupation for at least one year.

The parties attended a hearing on January 24, 2024, by video conference where the parties elected to participate in Board facilitated mediation with the assistance of Dispute Resolution Officer (DRO) Diego Fernandez-Stoll.

The Landlord, Haqi El-Kaisi, the Landlord's legal representative Timothy Mobberley, and the Tenant, Rollis V. Foster, participated in the mediation. The Tenant spoke with Tenant Duty Counsel before providing their consent to the terms contained herein.

The parties agreed to resolve all matters raised in the application and requested an order on consent.

I was satisfied that the parties understood the terms and consequences of their consent.

The parties agreed:

- The current monthly rent is \$1,050.00 and remains payable on 1st day of the month in which it becomes due. Daily rent is \$34.52 which is calculated as follows: \$1,050.00 x 12 months / 365 day = \$34.52
- The Landlord paid to the Tenant compensation equivalent to one (1) months' rent pursuant to the N12 notice.
- The total amount of arrears of rent up to January 31, 2024, is \$15,250.00 plus the \$186.00 application filing fee.

- The Landlord is holding a last month rent deposit in the amount of \$1,050.00 which was collected on December 27, 2016. To date no interest has been paid on the last month deposit.
- The interest due on the last month deposit for the period of December 27, 2016, to January 24, 2024 is \$117.39.
- The total amount payable by the Tenant is \$15,318.61 representing the arrears of rent up to January 31, 2024, plus the \$186.00 application filing and less the accrued interest of \$117.39.
- The last month rent deposit will be applied to the last month of the tenancy.

On consent it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of **February 29, 2024**.
2. If the rental 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.
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 March 1, 2024.
4. If the rental unit is not vacated on or before February 29, 2024, the Tenant shall pay the Landlord compensation of \$34.52 per day for the use of the unit starting March 1, 2024, until the date the Tenants move out of the unit.
5. The Tenant shall pay to the Landlord the amount of **\$15,318.61** in full on or before February 29, 2024.
6. If the Tenant does not pay the Landlord the full amount owing in accordance with paragraph 5 of this order, the Tenant will start to owe interest. This will be simple interest calculated from March 1, 2024, at a rate of 7.00% annually on the balance outstanding.

February 2, 2024
Date Issued



Diego Fernandez-Stoll
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.