



Order under Section 69 Residential Tenancies Act, 2006

Citation: Arora v Richards, 2023 ONLTB 59193

Date: 2023-08-29

File Number: LTB-L-078643-22

In the matter of: 2479 CHARLIE HAJJAR WAY
LONDON ON N6M0G7

Between: Tarun Arora
Mathew George

And

Michael Richards
Shannon Mckee

I hereby certify this is a
true copy of an Order dated
Aug. 29, 2023
Landlord and Tenant Board

Landlords

Tenants

Tarun Arora and Mathew George (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Richards and Shannon Mckee (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on August 17, 2023. The Landlords, the Landlords' Legal Representative, T. Sivapatham, and the Tenants attended the hearing.

Determinations:

1. The Landlords 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$2,750.00.
4. Based on the Monthly rent, the daily rent/compensation is \$90.41. This amount is calculated as follows: \$2,750.00 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 August 31, 2023 are \$29,750.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,750.00 from the Tenant 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.
9. Interest on the rent deposit, in the amount of \$83.44 is owing to the Tenant for the period from June 1, 2022 to August 17, 2023.

Relief from Eviction

10. The Tenant, Michael Richards, testified that he lost his job in December 2020 and they have relied on a single income of about \$2,500.00 monthly. They have two children, have lived in the unit for a little over a year, and receive child tax benefit of \$500.00.
11. The Tenants requested an opportunity to continue the tenancy with the payment of \$500.00 towards the arrears monthly.
12. Given a total household income of \$3,000.00, the Tenants have failed to pay any rent to the Landlords since the application was filed and I am not convinced they can comply with a conditional order. The Tenants completely disregarded the interim order issued on June 6, 2023, requiring the Tenants to pay the ongoing rent from June 1, 2023.
13. I have considered all the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to postpone the eviction until September 14, 2023 pursuant to subsection 83(1)(b) of the Act.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
 - \$29,936.00 if the payment is made on or before August 31, 2023. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$32,686.00 if the payment is made on or before September 14, 2023. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after September 14, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before September 14, 2023**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$25,889.53. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlords owe on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlords compensation of \$90.41 per day for the use of the unit starting August 18, 2023 until the date the Tenants move out of the unit.

7. If the Tenants do not pay the Landlords the full amount owing on or before September 9, 2023, the Tenants will start to owe interest. This will be simple interest calculated from September 10, 2023 at 6.00% annually on the balance outstanding.
8. If the unit is not vacated on or before September 14, 2023, then starting September 15, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 September 15, 2023.

August 29, 2023

Date Issued



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Member, 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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 15, 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 to void the eviction order and continue the tenancy if the payment is made on or before August 31, 2023

Rent Owing To August 31, 2023	\$29,750.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$29,936.00

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before September 14, 2023

Rent Owing To September 30, 2023	\$32,500.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$32,686.00

C. Amount the Tenants must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$28,536.97
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,750.00
Less the amount of the interest on the last month's rent deposit	- \$83.44
Total amount owing to the Landlord	\$25,889.53
Plus daily compensation owing for each day of occupation starting August 18, 2023	\$90.41 (per day)