



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Esufali v Nadon, 2022 ONLTB 2006

**Date:** 2022-08-04

**File Number:** LTB-L-001699-22

**In the matter of:** 2, 156 ALBERT ST W  
SAULT STE. MARIE ON P6A1B4

**Between:** Amee Patel Landlords  
Asad Esufali

**And**

Bernie Nadon Tenants  
Sierra Nadon

Amee Patel and Asad Esufali (the 'Landlords') applied for an order to terminate the tenancy and evict Bernie Nadon and Sierra Nadon (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 18, 2022.

The Landlords' Amee Patal and Asad Esufali and the Landlords' Legal Representative Sabrina Hussain attended the hearing.

As of 10:39 a.m., the Tenants was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. Since the Tenants did not attend and the Landlord was prepared to proceed, the matter proceeded by way of an uncontested hearing pursuant to section 7 of the *Statutory Powers Procedure Act*, R.S.O. 1990.

**Determinations:**

1. At the hearing the Landlords' Legal Representative relied on oral submissions and referred to documents to support their application.
2. 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.
3. As of the hearing date, the Tenants were still in possession of the rental unit.
4. The lawful rent is \$1,100.00. It is due on the 1st day of each month.
5. Based on the Monthly rent, the daily rent/compensation is \$36.16. This amount is calculated as follows: \$1,100.00 x 12, divided by 365 days.

6. The rent arrears owing to July 31, 2022 are \$8,800.00.
7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlords collected a rent deposit of \$1,100.00 from the Tenants and this deposit is still being held by the Landlords. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including whether the Landlords attempted to negotiate a repayment agreement with the Tenants. The Landlords submitted that ongoing conversations were held with the Tenants in relation to a repayment agreement, but nothing materialized. I asked the Landlords if they were aware of any circumstances the Tenants were experiencing that would make eviction unfair and they were aware of none. I find it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. The tenancy between the Landlords and the Tenants is terminated unless the Tenants voids this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
  - \$10,086.00 if the payment is made on or before August 15, 2022. 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 August 15, 2022 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 August 15, 2022**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$7,429.68. 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 Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$36.16 per day for the use of the unit starting July 19, 2022 until the date the Tenants moves out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before August 15, 2022, the Tenants will start to owe interest. This will be simple interest calculated from August 16, 2022 at 2.00% annually on the balance outstanding.
8. If the unit is not vacated on or before August 15, 2022, then starting August 16, 2022, the Landlord 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 Landlord on or after August 16, 2022.

**August 4, 2022**  
**Date Issued**

\_\_\_\_\_  
John Cashmore  
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 February 16, 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.

\*Note: When the Board directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice

**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 15, 2022**

Rent Owing To August 31, 2022	\$9,900.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$10,086.00</b>

**B. Amount the Tenants must pay if the tenancy is terminated**

Rent Owing To Hearing Date	\$8,350.88
Application Filing Fee	\$186.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,100.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$7.20
<b>Total amount owing to the Landlord</b>	<b>\$7,429.68</b>
Plus daily compensation owing for each day of occupation starting July 19, 2022	\$36.16 (per day)