



AUG 14, 2023

Landlord and Tenant Board

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

Citation: Ali v Smith, 2023 ONLTB 55512

Date: 2023-08-14

File Number: LTB-L-025821-23

In the matter of: BASEMENT, 3233 SUNFLOWER DR
OAKVILLE ON L6M1N3

Between: Syed Arshad Ali and Sahar Anwar

Landlords

And

Christopher Wilfred Smith and Muna Abdi

Tenants

Syed Arshad Ali and Sahar Anwar (the 'Landlords') applied for an order to terminate the tenancy and evict Christopher Wilfred Smith and Muna Abdi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlords also applied for an order to terminate the tenancy and evict the Tenants because the Tenants have been paying the rent persistently late.

This application was heard by videoconference on August 1, 2023.

The Landlords, the Landlords' legal representative, S. Puri, and the Tenants attended the hearing. The Tenants consulted with Tenant Duty Counsel prior to the hearing.

Agreed Facts:

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 \$1,950.00. It is due on the first day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$64.11. This amount is calculated as follows: \$1,950.00 x 12, divided by 365 days.
5. The rent arrears and costs owing to July 31, 2023 are \$10,750.00.
6. The Landlords collected a rent deposit of \$1,950.00 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.

7. The Landlords agreed to waive the equivalent of three months rent, (\$5,850.00) owed to the Landlords if the Tenants meet the following schedule of payments of the balance owing (\$4,900.00):
 - (a) \$1,500.00 on or before September 1, 2023,
 - (b) \$1,500.00 on or before October 1, 2023,
 - (c) \$1,900.00 on or before November 1, 2023.

At the hearing, the parties consented to the following order. I was satisfied that the parties understood the consequences of their consent.

On consent, it is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated on September 30, 2023. The Tenants must move out of the rental unit on or before September 30, 2023.
2. The Tenants shall pay the August 2023 rent on or before August 18, 2023. If the Tenants fail to pay this amount in full, and on time, the balance owing will be added to the amount owing in paragraph 4 of this order.
3. The last month's rent deposit shall be applied to the rent for the month of September 2023.
4. The Tenants shall owe \$4,900.00 arrears to the Landlords, and whatever balance remains pursuant to paragraph 2 of this order, to September 30, 2023.
5. If the Tenants do not move out of the rental unit on or before September 30, 2023, the Tenants shall also pay the Landlord compensation of \$64.11 per day for the use of the unit starting October 1, 2023 until the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlords the full amount owing on or before November 1, 2023, the Tenants will start to owe interest. This will be simple interest calculated from November 2, 2023 at 6.00% annually on the balance outstanding.
7. If the unit is not vacated on or before September 30, 2023, then starting October 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 October 1, 2023.

August 14, 2023

Date Issued



Nancy Morris
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 April 1, 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.