

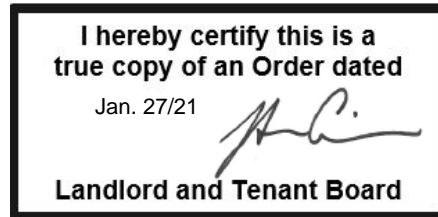


Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** SOL-15900-20

**In the matter of:** 1469 DERBY COUNTY CRESCENT  
OAKVILLE ON L6M4N9

**Between:** Charu Luthra  
Mukul Mehta



Landlords

**and**

Alaa Ezzat Mohamed Ibrahim  
Randa Monier Salah

Tenants

Charu Luthra and Mukul Mehta (the 'Landlords') applied for an order to terminate the tenancy and evict Randa Monier Salah and Alaa Ezzat Mohamed Ibrahim (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlords also claimed NSF cheque charges and related administration charges.

This application was heard by videoconference on December 4, 2020. The Landlords and one of the Tenants, Alaa Ezzat Mohamed Ibrahim attended the hearing.

**Determinations:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from May 15, 2020 to December 14, 2020. Because of the arrears, the Landlords served a Notice of Termination effective July 16, 2020.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$2,759.00.
4. The Landlords are entitled to \$80.00 to reimburse them for charges they incurred as a result of cheques tendered by or on behalf of the Tenants which were returned NSF and related administration charges.
5. The Landlords collected a rent deposit of \$2,700.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from May 16, 2018 to July 16, 2020.
7. The Tenants paid \$5,500.00 after the application was filed.

8. I have considered all of the disclosed circumstances in accordance with subsection 83 of the Act, including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant, and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. The arrears arose because the Tenants' income was impeded by the pandemic. The Tenants made reasonable efforts to pay some amounts to the Landlord after the application was filed. The Tenants are now able to pay the monthly rent and make monthly payments toward the arrears and can satisfy the amount owing in a reasonable time.

**It is ordered that:**

- 1. The Tenants shall pay to the Landlord \$12,179.00, which represents the arrears of rent (\$11,913.00), NSF charges (\$80.00) and costs (\$186.00) outstanding for the period ending December 14, 2020.
- 2. The Landlord's application for eviction of the Tenants is denied on the condition that:
  - (a) The Tenants shall make the following payments (in guaranteed funds or by electronic transfer) to the Landlord in respect of the monies owing under paragraph 1 of this order:

<b>Date Payment Due</b>	<b>Amount of Payment</b>
December 31, 2020	\$2,759.00 (Decembers rent)
January 31, 2021	\$1,000.00 (costs & arrears)
February 28, 2021	\$2,000.00 (arrears)
March 31, 2021	\$2,000.00 (arrears)
April 30, 2021	\$2,000.00 (arrears)
May 31, 2021	\$2,000.00 (arrears)
June 30, 2021	\$2,000.00 (arrears)
July 31, 2021	\$1,179.00 (arrears)

(b) The Tenants shall also pay the Landlord the lawful rent for the months of January 2021 to July 2021 in full on or before the fifteenth day of each corresponding month. These payments shall be made in guaranteed funds or by electronic transfer.

3. If the Tenants fail to make any of the payments in accordance with paragraph 2, and by the dates required, then:
- (a) The Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.
  - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the *Act*.



**January 27, 2021**  
**Date Issued**

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Renee Lang  
Member, Landlord and Tenant Board

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

