



APR 19, 2023

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

Citation: Kampen v Joshi, 2023 ONLTB 32424

Date: 2023-04-19

File Number: LTB-L-046667-22

In the matter of: 108, 90 LAWRENCE AVE
ORANGEVILLE ON L9W 4J6

Between: Christine Vis-Kampen Landlords
Robert James Kampen

And

Michael Fallon Tenants
Tripti Joshi

Christine Vis-Kampen and Robert James Kampen (the 'Landlords') applied for an order to terminate the tenancy and evict Michael Fallon and Tripti Joshi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 14, 2023 at 10:08 a.m.

The Landlord Robert James Kampen, his representative Fred Suter, licensed paralegal and the Tenant Michael Fallon attended the hearing.

In front of the Board, the parties consented to the following:

It is ordered on consent 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:**
 - \$22,586.00 if the payment is made on or before April 30, 2023. See Schedule 1 for the calculation of the amount owing.

OR

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 April 30, 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 April 30, 2023.**

5. The Tenants shall also pay the Landlord compensation of \$72.33 per day for the use of the unit starting March 15, 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 April 30, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 1, 2023 at 6.00% annually on the balance outstanding.
7. The Landlords or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
8. If the unit is not vacated on or before April 30, 2023, then starting May 1, 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 May 1, 2023.

April 19, 2023
Date Issued

Greg Witt
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 November 1, 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.

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 April 30, 2023

Rent Owing To March 31, 2023	\$20,200.00
Rent Owing from April 1 to April 30	\$2,200.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlords owe the Tenants for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total the Tenants must pay to continue the tenancy	\$22,586.00

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

Rent Owing To Hearing Date	\$19,212.62
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$2,200.00
Less the amount of the interest on the last month's rent deposit	- \$73.33
Less the amount the Landlords owe the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlords	\$16,925.29
Plus daily compensation owing for each day of occupation starting March 15, 2023	\$72.33 (per day)