



**Apr 08, 2024**

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

**Citation:** Wardhere v Shay, 2024 ONLTB 24800

**Date:** 2024-04-08

**File Number:** LTB-L-091022-23

**In the matter of:** 2176 WINSOME TERRACE  
ORLEANS ON K4A5N1

**Between:** Hassan Wardhere Landlord

**And**

Christopher Shay Tenants  
Chantale Lafond

Hassan Wardhere (the 'Landlord') applied for an order to terminate the tenancy and evict Christopher Shay and Chantale Lafond (the 'Tenants') because:

- the Tenants did not pay the rent that the Tenants owe; and
- the Tenants have been persistently late in paying the Tenants' rent.

This application was heard by videoconference on March 26, 2024.

The Landlord, the Landlord's Representative, John Lambe, and the Tenants participated in mediation and agreed to an Order on Consent in full and final satisfaction of the application, and in so doing, understand their legal rights to a hearing on the merits of the matter have been waived.

I was satisfied that the terms of the agreement are consistent with the *Residential Tenancies Act, 2006* and that the parties have provided their informed, independent, and voluntary consent.

The parties before the LTB consented to the following order:

**It is agreed that:**


1. The Landlord served the Tenants with a 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 \$3,500.00. It is due on the 1st day of each month.
4. Based on the monthly rent, the daily rent/compensation is \$115.07. This amount is calculated as follows: \$3,500.00 x 12, divided by 365 days.

5. At mediation, the Tenants received a credit of \$500.00 representing the return of a deposit collected by the Landlord. The Tenants also received a credit of \$1,000.00 representing a rent abatement for air conditioning services not provided by the Landlord.
6. The rent arrears owing to March 31, 2024 are \$15,900.00.
7. The Landlord 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 \$2,350.00 from the Tenants and this deposit is still being held by the Landlord.
9. Interest on the rent deposit, in the amount of \$67.60 is owing to the Tenants for the period from February 1, 2023 to March 26, 2024.
10. The Tenants, at their earliest opportunity, will contact the Landlord to arrange a payment plan for the balance of rent arrears owing.

**It is ordered on consent that:**

1. The tenancy between the Landlord and the Tenants is terminated in a final way and without voiding provisions.
2. The Tenants must move out of the rental unit by April 1, 2024.
3. The Tenants shall pay to the Landlord \$12,668.40. This amount includes rent arrears owing up to March 31, 2024, and the cost of filing the application. The rent deposit, the interest the Landlord owes on the rent deposit, as well as the rent credit and the rent abatement values are deducted from the amount owing by the Tenants.
4. The Tenants shall also pay the Landlord compensation of \$115.07 per day for the use of the unit starting April 2, 2024, until the date the Tenant moves out of the unit.
5. If the unit is not vacated on or before April 1, 2024, then starting April 2, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 April 2, 2024.

**April 8, 2024**  
**Date Issued**

  
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Janice Campbell  
Hearings Officer, 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 October 2, 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.