



I hereby certify this is a
true copy of an Order dated
AUG 17 2022
Landlord and Tenant Board

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

Citation: Aleshams v Pashahzahiri, 2022 ONLTB 3677

Date: 2022-08-17

File Number: LTB-L-002065-21

In the matter of: 309 Taylor Mills Dr North
Richmond Hill ON L4C2T8

Between: Mahmoud Aleshams, Zahra Nejatimonfared Landlords

And

Helia Pashahzahiri Tenant

Mahmoud Aleshams, Zahra Nejatimonfared (the 'Landlords') applied for an order to terminate the tenancy and evict Helia Pashahzahiri (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 22, 2022.

Only the Landlords and their legal representative C. Nastas attended the hearing.

Determinations:

1. The Moderator advised me that the Tenant's father attended the zoom hearing at 8:07 am, asking for adjournment on behalf of the Tenant who was at work. Despite being advised to wait for the Adjudicator to address the request when the hearing begins, the Tenant's father signed out at 8:12 am and did not return to the hearing.
2. As of 10:14, neither the Tenant nor a representative was present or represented at the hearing to speak to any adjournment request although properly served with notice of this hearing by the LTB. As a result, the hearing proceeded with only the Landlords' evidence.
3. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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.
4. As of the hearing date, the Tenant was still in possession of the rental unit.
5. The lawful rent is \$2,800.00. It is due on the 1st day of each month.
6. Based on the Monthly rent, the daily rent/compensation is \$92.05. This amount is calculated as follows: \$2,800.00 x 12, divided by 365 days.
7. The Tenant has not made any payments since the application was filed.
8. The rent arrears owing to June 30, 2022 are \$22,400.00.

9. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlords collected a rent deposit of \$2,800.00 from the Tenant 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.
11. Interest on the rent deposit, in the amount of \$38.76 is owing to the Tenant for the period from April 28, 2021 to June 22, 2022.
12. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlords attempted to negotiate a repayment agreement with the Tenant and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Landlords and their agent have made multiple attempts to communicate with the Tenant about the arrears and to reach a reasonable negotiation, to no avail. The Tenant has made no effort to make any payments toward the arrears since the filing of the application.

It is ordered that:

1. The tenancy between the Landlords and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
 - \$28,186.00 if the payment is made on or before August 28, 2022. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after August 28, 2022 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before August 28, 2022**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlords \$18,972.34. 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 Landlords owe 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 Tenant shall also pay the Landlords compensation of \$92.05 per day for the use of the unit starting June 23, 2022 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlords the full amount owing on or before August 28, 2022, the Tenant will start to owe interest. This will be simple interest calculated from August 29, 2022 at 3.00% annually on the balance outstanding.

8. If the unit is not vacated on or before August 28, 2022, then starting August 29, 2022, 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 August 29, 2022.

August 17, 2022
Date Issued



Donna Adams
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 27, 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 Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before August 28, 2022

Rent Owing To August 31, 2022	\$28,000.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$28,186.00

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

Rent Owing To Hearing Date	\$21,625.10
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,800.00
Less the amount of the interest on the last month's rent deposit	- \$38.76
Total amount owing to the Landlords	\$18,972.34
Plus daily compensation owing for each day of occupation starting June 23, 2022	\$92.05 (per day)