



OCT 23 2023

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

Citation: Khan v Mohammed and Ramlal 2023 ONLTB 69403

Date: 2023-10-23

File Number: LTB-L-030261-23

In the matter of: MAIN FLOOR, 82 PITT AVE
SCARBOROUGH ON M1L2R6

Between: Ali Kaiser Khan Landlord

And

David Mohammed and Sallyanne Ramlal Tenant

Ali Kaiser Khan (the 'Landlord') applied for an order to terminate the tenancy and evict David Mohammed and Sallyanne Ramlal (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 25, 2023.

The Landlord's legal representative, Kibria Sultan Mohammad, and the Landlord attended the hearing.

The Tenant also attended the hearing.

The parties consented to the following order in full and final satisfaction of all issues in this application up to the day of the hearing. This is a non voidable order for termination of the tenancy on the consent of the parties. I am satisfied the parties understood the terms. In particular, I was satisfied that the Tenant understood the consequence of agreeing to terminate the tenancy. Given the mutual agreement to terminate the tenancy, there is no opportunity to void the order for termination by paying the outstanding arrears.

On consent it is ordered that:

1. The tenancy terminates on October 31, 2023. The Tenant must vacate the rental unit on or before October 31, 2023 and return the keys and vacant possession of the rental unit to the Landlord.
2. The parties agree that the arrears and costs owing up to September 30, 2023 are \$17,686.00.
3. The Landlord shall waive \$1,400.00 if the Tenant vacates the rental unit on or before October 31, 2023.

4. The Landlord shall waive \$186.00 if the Tenant vacates the rental unit on or before October 31, 2023.
5. The Landlord shall apply the last month's rent deposit of \$2,500.00 to October 1, 2023 rent.
6. The Tenant must pay the Landlord the full arrears owing of \$16,100.00 on or before October 31, 2023.
7. If the Tenant fails to pay the Landlord the full amount of \$16,100.00 on or before October 31, 2023, the Tenant shall start to owe interest commencing November 1, 2023. This shall be simple interest at a rate of 7% per annum on the balance outstanding.
8. If the unit is not vacated on or before October 31, 2023, then commencing November 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that eviction may be enforced. Upon receipt of this order, the Court Enforcement Officer (Sheriff) is directed to give vacant possession of the unit to the Landlord, on or after November 1, 2023.
9. If the unit is not vacated on or before October 31, 2023 then the balance owing under paragraph 2 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.

October 23, 2023

Date Issued



Greg Brocanier

Member, Landlord and Tenant Board

15 Grosvenor St, 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.