



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

Citation: Jun Ke v Jarovi, 2023 ONLTB 29993

Date: 2023-04-11

File Number: LTB-L-052297-22

In the matter of: 225 EPWORTH AVE
LONDON ON N6A2M2

Between: Jun Ke c/o Trident Property Mgmt

And

Amber Broomfield, Amelie Swayze, Devon Jarovi, Max Stretch and Sophia Gajeiro

I hereby certify this is a
true copy of an Order dated
APR 11, 2023
Landlord and Tenant Board

Landlord

Tenant

Jun Ke c/o Trident Property Mgmt (the 'Landlord') applied for an order to terminate the tenancy and evict Amber Broomfield, Amelie Swayze, Devon Jarovi, Max Stretch and Sophia Gajeiro (the 'Tenant') because the Tenants did not pay the rent that the Tenants owe.

This application was scheduled to be heard by videoconference on March 30, 2023. The Landlord, Robert Rose (Landlord's Legal Representative) and the Tenants attended. The Tenants consulted duty counsel.

In mediation, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

The parties agreed:

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 \$2,800.00. It is due on the 1st day of each month.
4. 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.
5. The Tenants paid \$13,440.00 since the application was filed.
6. The rent arrears owing to March 31, 2023, are \$4,480.00.
7. The Landlord agreed that the Tenants are entitled to a rebate of rent of \$850.00. This amount will be deducted from the amount owing to the Landlord to settle the Tenants issues relating to the tenancy to date (\$4,480.00 - \$850.00 = \$3,630.00).

8. The Landlord collected a rent deposit of \$2,800.00 which the parties agreed will apply to April 2023.
9. On consent, the parties requested a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of April 30, 2023. The application is amended to include an L3 Application for termination of the tenancy. Consequently, the Tenants do not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.
10. The Landlord agreed to waive the application fee (\$186.00).

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant is terminated on April 30, 2023. The Tenants shall move out of the rental unit on or before April 30, 2023.
2. If the unit is not vacated on or before April 30, 2023, then starting May 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 May 1, 2023.
4. The Tenants shall also pay the Landlord compensation of \$92.05 per day for the use of the unit starting May 1, 2023, until the date the Tenants move out of the unit.
5. On or before April 30, 2023, the Tenants shall pay to the Landlord \$3,630.00 (\$4,480.00 of rent arrears owing up to March 31, 2023, minus a rent abatement of \$850.00 to settle the tenants' issues related to the tenancy to date).
6. If the Tenants do not pay the Landlord 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.



April 11, 2023
Date Issued

Melinda Jamieson
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 23, 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.