



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

Citation: Patel v Moore, 2024 ONLTB 16067

Date: 2024-03-04

File Number: LTB-L-028662-23

In the matter of: 345, 500 KINGBIRD GROVE
SCARBOROUGH ON M1B0E4

Between: Pareshbhai Lallubhai Patel
Nayana Bahen paresh bhai Patel

And

Jafari Moore
Stephanie Wilson

I hereby certify this is a
true copy of an Order dated
MAR 04 2024
Landlord and Tenant Board

Landlords

Tenants

Pareshbhai Lallubhai Patel and Nayana Bahen paresh bhai Patel (the 'Landlords') applied for an order to terminate the tenancy and evict Jafari Moore and Stephanie Wilson (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe, and because the Tenants have been persistently late in paying the Tenants' rent, and because the Tenants have caused problems in the rental unit (L2 application).

This application was heard by videoconference on February 1, 2024. Only the Landlords and Landlords' legal representative J. Baboulas attended the hearing. As of 2:00 pm, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence.

Determinations:

1. At the hearing, the Landlords requested to withdraw the L2 application without prejudice and I granted the Landlords' request.
2. The Landlords served the Tenants with a valid 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.
3. As of the hearing date, the Tenants were still in possession of the rental unit.
4. The lawful rent is \$2,600.00. It is due on the 15th day of each month.
5. Based on the Monthly rent, the daily rent/compensation is \$85.48. This amount is calculated as follows: \$2,600.00 x 12, divided by 365 days.
6. The Tenants have not made any payments since the application was filed.
7. The rent arrears owing to February 14, 2024 are \$50,150.00.

8. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlords collected a rent deposit of \$2,600.00 from the Tenants 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.
10. Interest on the rent deposit, in the amount of \$63.97 is owing to the Tenant for the period from December 15, 2021 to February 1, 2024.
11. 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 Tenants and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. As noted, the Tenants did not attend the hearing of this matter and thus I did not have the opportunity to hear their evidence regarding their circumstances or any dispute of the Landlords' application for an eviction order.

It is ordered that:

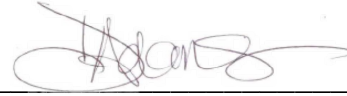
1. The L2 application is withdrawn on a without prejudice basis.
2. The tenancy between the Landlords and the Tenants is terminated unless the Tenants void this order.
3. **The Tenants may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
 - \$52,936.00 if the payment is made on or before March 14, 2024. See Schedule 1 for the calculation of the amount owing.

OR

4. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants has paid the full amount owing as ordered plus any additional rent that became due after March 15, 2024 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
5. **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 March 15, 2024**
6. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$35,186.00. 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 Landlord owes on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
7. The Tenants shall also pay the Landlords compensation of \$85.48 per day for the use of the unit starting February 2, 2024 until the date the Tenants move out of the unit.
8. If the Tenants do not pay the Landlords the full amount owing on or before March 15, 2024, the Tenants will start to owe interest. This will be simple interest calculated from March 16, 2024 at 7.00% annually on the balance outstanding.

9. If the unit is not vacated on or before March 15, 2024, then starting March 16, 2024, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 March 16, 2024.

March 4, 2024
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 September 16, 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.

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 March 14, 2024

Rent Owing To March 14, 2024	\$52,750.00
Application Filing Fee	\$186.00
Total the Tenants must pay to continue the tenancy	\$52,936.00

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

Rent Owing To Hearing Date	\$49,088.64
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$2,600.00
Less the amount of the interest on the last month's rent deposit	- \$63.97
Total amount owing to the Landlord	\$35,186.00 (Board Monetary Jurisdiction)
Plus daily compensation owing for each day of occupation starting February 2, 2024	\$85.48 (per day)