



**Order Issued on Consent  
Order under Section 69 and 77  
Residential Tenancies Act, 2006**

**Citation:** Galad v Jackson, 2023 ONLTB 61236

**Date:** 2023-09-13

**File Number:** LTB-L-011265-23

**In the matter of:** 1, 693 MOY AVE  
WINDSOR ON N9A2N5

**Between:** Jeffrey Galad

**And**

Alycia Jackson and Haris Agovic

I hereby certify this is a  
true copy of an Order dated  
**SEPT 13, 2023**  
Landlord and Tenant Board

Landlord

Tenants

Jeffrey Galad (the 'Landlord') applied for an order to terminate the tenancy and evict Alycia Jackson and Haris Agovic (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 31, 2023.

The Landlord's Legal Representative Tim Currie and the Tenants attended the hearing.

**At the hearing, the parties agreed:**

1. The Landlord 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.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$2,050.00. It is due on the 1<sup>st</sup> day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$67.40. This amount is calculated as follows: \$2,050.00 x 12, divided by 365 days.
5. The rent arrears owing to August 31, 2023 are \$14,375.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord collected a rent deposit of \$2,000.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
8. On consent, the parties requested a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of October 31, 2023. The application is

amended to include an L3 application for termination of the tenancy. As a consequence, the Tenant does 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.

**On consent of the parties, it is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated on October 31, 2023. This means that the Tenants must move out of the rental unit on or before October 31, 2023.
2. The Tenant shall pay to the Landlord **\$12,552.92**. 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 Tenant. See Schedule 1 for the calculation of the amount owing.
3. The Tenant shall also pay the Landlord compensation of \$67.40 per day for the use of the unit starting November 1, 2023 until the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing on or before October 31, 2023, the Tenant will start to owe interest. This will be simple interest calculated from November 1, 2023, at 6.00% annually on the balance outstanding.
5. If the unit is not vacated on or before October 31, 2023, then starting November 1, 2023, 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 November 1, 2023.

**September 13, 2023**  
**Date Issued**

  
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Anthony Bruno  
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 May 1, 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 Tenant must pay if the tenancy is terminated on October 31, 2023**

Rent Owing To Hearing Date	\$14,375.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,000.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$8.08
<b>Total amount owing to the Landlord</b>	<b>\$12,552.92</b>
Plus daily compensation owing for each day of occupation starting September 1, 2023	\$67.40 (per day)