



**Oct 17, 2023**

  
Landlord and Tenant Board

**Order under Section 78(6)  
Residential Tenancies Act, 2006**

**Citation:** Petrolwala v Gambriel, 2023 ONLTB 67866

**Date:** 2023-10-17

**File Number:** LTB-L-062683-23

**In the matter of:** 874 ELLIOTT ST E  
WINDSOR ON N9A3S7

**Between:** Dhaval Petrolwala Landlords  
Binish Shah  
Biraju Doshi  
Chintan Patel

**And**

Shannon Gambriel Tenants  
Riley Mahon

Dhaval Petrolwala, Binish Shah, Biraju Doshi and Chintan Patel (the 'Landlords') applied for an order to terminate the tenancy and evict Shannon Gambriel and Riley Mahon (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on August 8, 2023 with respect to application LTB-L-040373-23.

A hearing was held by videoconference on October 5, 2023 to consider this application. Only the Landlord Dhaval Petrolwala attended the hearing.

As of 9:50am, 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 Landlord's evidence.

**Determinations:**

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenant if the Tenants do not meet certain conditions in the order.
2. The Tenants failed to make rent payments after the order was issued.
3. The Landlords have reached out to the Tenants on several occasions to work with them but have received no response.
4. The Tenants owe the Landlords \$7,216.00 to the end of September 2023. There is no last month rent deposit.

**It is ordered that:**

1. Order LTB-L-040373-23 is cancelled and replaced with the following:
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 28, 2023.
3. If the unit is not vacated on or before October 28, 2023, then starting October 29, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 October 29, 2023.
5. The Tenants shall pay to the Landlords \$7,216.00 representing arrears and costs to the end of September 2023.
6. The Tenants shall also pay to the Landlords \$54.25 for each day the Tenants reside in the unit commencing October 1, 2023 until the Landlord gain vacate possession of the rental unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before October 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from October 29, 2023 at 7.00% annually on the balance outstanding.

**October 17, 2023**



**Date Issued**

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Greg Joy  
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 April 29, 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.