



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

**File Number:** TNL-33502-21

**In the matter of:** 265 ANDREW STREET  
NEWMARKET ON L3Y1H1

**Between:** Hayatulla Barakatullah

Landlord

**and**

Sean Gale  
Sophie Perron

Tenants

**I hereby certify this is a  
true copy of an Order dated  
NOV 23 2021 SM  
Landlord and Tenant Board**

Hayatulla Barakatullah (the 'Landlord') applied for an order to terminate the tenancy and evict Sean Gale and Sophie Perron (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 18, 2021. The Landlord, Landlord's Legal Representative, Bitu Di Lisi and the Tenants attended the hearing.

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 submissions.

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

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from June 1, 2021 to October 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective July 17, 2021.
1. The Tenants are in possession of the rental unit.
2. The lawful monthly rent is \$2,300.00.
3. The Tenants have made no payments since the application was filed.
2. The Landlord collected a rent deposit of \$2,300.00 from the Tenants and this deposit is still being held by the Landlord.
3. Interest on the rent deposit is owing to the Tenants for the period from May 31, 2020 to July 17, 2021.

4. The parties agree that the amount outstanding to October 31, 2021, inclusive of rent arrears \$11,500.00 and costs \$185.00, is \$11,686.00.
5. The parties, consent to the termination set out below which is November 30, 2021

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

1. The parties agree that the amount outstanding to October 31, 2021, inclusive of rent arrears \$11,500.00 and costs \$185.00, is \$11,686.00.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 30, 2021.
3. The Tenants shall pay October rent in the amount of \$2,300.00 on or before November 8, 2021.
4. If the Tenants pay October's rent on or before November 8, 2021 the Landlord will waive all arrears outstanding to October 31, 2021 and the costs for filing the application in paragraph 1 of this order.
5. The Landlord shall apply the last month's rent deposit in the amount of \$2,300.00 towards the month of November 2021.
6. If the Tenant fails to make any of the payments in accordance with paragraph 2, and by the dates required, then:
  - (a) The Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 3 and 4 of this order.
  - (b) The balance owing under paragraph 1 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.

**November 23, 2021**  
**Date Issued**



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Greg Brocanier  
Member, Landlord and Tenant Board

Toronto North-RO  
47 Sheppard Avenue East, Suite 700, 7th Floor  
Toronto ON M2N5X5

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.