



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

Citation: Ramkissoon v Mohammed, 2023 ONLTB 69846

Date: 2023-10-23

File Number: LTB-L-041543-23

In the matter of: Main Floor, 12 BEACON AVE
HAMILTON ON L8T2N3

Between: Houmesh Ramkissoon
Chatwante Dookie

And

Zorab Abdulkadir Mohammed
Kolar Ibrahim

I hereby certify this is a
true copy of an Order dated
OCT 23, 2023
Landlord and Tenant Board

Landlords

Tenants

Houmesh Ramkissoon and Chatwante Dookie (the 'Landlords') applied for an order to terminate the tenancy and evict Zorab Abdulkadir Mohammed and Kolar Ibrahim (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 12, 2023.

Only the Landlords' legal representative, Edwin Alexander, attended the hearing.

The hearing was scheduled to begin at 1:00pm. As of 1:30pm, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlords' evidence. The hearing block ended at approximately 4:00pm but the Tenants failed to appear at any point during the block.

Determinations:

1. 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.
2. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,500.00. It is due on the first day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$49.32. This amount is calculated as follows: \$1,500.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to October 31, 2023, are \$12,000.00.

7. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
9. 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 I find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The tenancy between the Landlords and the Tenants is terminated unless the Tenants void this order.
 2. **The Tenants may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:**
 - \$12,186.00 if the payment is made on or before October 31, 2023. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$13,686.00 if the payment is made on or before November 3, 2023. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after November 3, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
 4. **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 November 3, 2023**
 5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$11,277.84. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
 6. The Tenants shall also pay the Landlords compensation of \$49.32 per day for the use of the unit starting October 13, 2023 until the date the Tenants moves out of the unit.
 7. If the Tenants do not pay the Landlords the full amount owing on or before November 3, 2023, the Tenants will start to owe interest. This will be simple interest calculated from November 4, 2023, at 7.00% annually on the balance outstanding.
 8. If the unit is not vacated on or before November 3, 2023, then starting November 4, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
 9. 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 November 4, 2023.

October 23, 2023
Date Issued



Laura Hartsliel
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 4, 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 October 31, 2023

Rent Owing To October 31, 2023	\$12,000.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlords owes the Tenants for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total the Tenants must pay to continue the tenancy	\$12,186.00

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before November 3, 2023

Rent Owing To November 30, 2023	\$13,500.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlords owes the Tenants for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total the Tenants must pay to continue the tenancy	\$13,686.00

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

Rent Owing To Hearing Date	\$11,091.84
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Less the amount the Landlords owes the Tenants for an {abatement/rebate}	- \$0.00

Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total amount owing to the Landlords	\$11,277.84
Plus daily compensation owing for each day of occupation starting October 13, 2023	\$49.32 (per day)