



**Order Issued on Consent Utilizing Section 78
Order under Section 69
Residential Tenancies Act, 2006**

I hereby certify this is a true copy of an Order dated

JUN 29, 2023

Landlord and Tenant Board

Citation: Biraju Doshi v Jennifer Newell, 2023 ONLTB 47215

Date: 2023-06-29

File Number: LTB-L-011367-23

In the matter of: 868 ELLIOTT ST E
WINDSOR ON N9A3S7

Between: Binish Shah, Biraju Doshi, Chintan Patel and Landlord
Dhaval Petrolwala

And

Jennifer Newell Tenant

Binish Shah, Biraju Doshi, Chintan Patel and Dhaval Petrolwala (the 'Landlord') applied for an order to terminate the tenancy and evict Jennifer Newell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 21, 2023.

The Landlord and the Landlord's Legal Representative Richard Lammers and the Tenant attended the hearing.

The Parties mutually agreed to resolve all matters at issue in the application and request on order on consent. I was satisfied that the parties understood the consequences of the joint submission.

At the hearing, the parties agree:

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 \$697.50. It is due on the 1st day of each month.
4. The parties agree that the amount of arrears owing to June 30, 2023, is \$2,626.50, inclusive of rent arrears and costs.

On consent of the parties, it is ordered that:

1. The Tenants shall pay the Landlord \$2,626.50 which represents rent arrears and costs outstanding for the period ending June 30, 2023.

2. The Landlord's application for eviction of the Tenants is denied on the following conditions that:

(a) The Tenants shall make the following payments to the Landlord for the monies that are owned in paragraph 1 of this order:

<u>Date Payment is Due</u>	<u>Amount Tenants must pay</u>
July 1, 2023	\$500.00 (arrears)
August 1, 2023	\$500.00 (arrears)
September 1, 2023	\$500.00 (arrears)
October 1, 2023	\$500.00 (arrears)
November 1, 2023	\$500.00 (arrears)
December 1, 2023	\$126.50 (arrears)

(b) The Tenant shall also pay the Landlord the rent for the months of July 2023 up to and including December 2023 in full, on or before the first day of each corresponding month.

3. 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 2 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.

June 29, 2023
Date Issued



Anthony Bruno
Member, Landlord and Tenant Board

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