



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-97406-20

In the matter of: 6883 APEX COURT
MISSISSAUGA ON L5N7H6

Between: Ghasem Saki Landlord

and

Andrae Jamal Rayan Smart Tenants
Susan Amber Rutherford

Ghasem Saki (the 'Landlord') applied for an order to terminate the tenancy and evict Susan Amber Rutherford and Andrae Jamal Rayan Smart (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 21, 2021. The Landlord attended the hearing. As of 2:10 p.m., the Tenants were not present or represented at the hearing, although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from December 1, 2019 to December 31, 2020. Because of the arrears, the Landlord served a Notice of Termination effective December 4, 2020.
2. The Tenants were in possession of the rental unit on the date the application was filed.
3. The monthly rent was \$2,500.00.
4. The Landlord collected a rent deposit of \$2,500.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenants for the period from September 1, 2018 to December 4, 2020.
5. The Tenants did not make any payments to the Landlord after the application was filed.
6. The Tenants vacated the rental unit on December 31, 2020.
7. The Landlord filed a L1/L9 update form in support of this application. In the update form, the Landlord claimed a total of \$24,736.00 as the total amount outstanding to the Landlord, to December 31, 2020. However, the numbers stated by the Landlord in the

N4 Notice of Termination and the Landlord's application are inconsistent with the numbers claimed in the L1/L9 update form. In light of the inconsistencies in the Landlord's documentary evidence, I am not satisfied, on a balance of probabilities, that the Tenants owe the Landlord the total amount claimed in the L1/L9 update form. I am satisfied that the figures claimed in the Landlord's application and the N4 Notice of Termination are a more accurate reflection of the total amount that is outstanding to the Landlord.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of December 31, 2020, the date the Tenants gave vacant possession of the rental unit to the Landlord.
2. The Tenants shall pay to the Landlord \$19,483.42*, which represents the amount of rent owing and compensation up to December 31, 2020, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenants do not pay the Landlord the full amount owing* on or before August 20, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 21, 2021 at 2.00% annually on the balance outstanding.

August 9, 2021
Date Issued



Arnab Quadry
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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

* Refer to section A on the attached Summary of Calculations.

**Schedule 1
SUMMARY OF CALCULATIONS**

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A. Amount the Tenants must pay as the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	December 1, 2019 to December 4, 2020	\$19,878.77
Plus compensation: (from the day after the termination date in the Notice to the date the rental unit was vacated)	December 5, 2020 to December 31, 2020	\$2,219.13
Less the rent deposit:		-\$2,500.00
Less the interest owing on the rent deposit:	September 1, 2018 to December 4, 2020	-\$114.48
Amount owing to the Landlord on the order date: (total of previous boxes)		\$19,483.42
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay the Landlord as the tenancy is terminated:		\$19,669.42

2021 CanLII 114751 (ON LTB)