



Order under Section 69 Residential Tenancies Act, 2006

In the matter of: 1, 12539 KENNEDY RD
CALEDON ON L7C3T6

Citation: 2680358 ONTARIO INC v Boparai, 2023 ONLTB 27652

Date: 2023-03-28

File Number: LTB-L-023193-22

Between: 2680358

ONTARIO INC Landlord

And

Jagdeep Boparai, Mohan Singh Boparai and
Mohinder Kaur Boparai

Tenants

2680358 ONTARIO INC (the 'Landlord') applied for an order to terminate the tenancy and evict Jagdeep Boparai, Mohan Singh Boparai and Mohinder Kaur Boparai (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. (L1 application)

This L1 application was heard by videoconference on March 15, 2023.

Only the Landlord's Agent, Rakesh Madhok (sole director of the Landlord), attended the hearing.

As of 10:37 am, 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. The Landlord's Agent stated that two days earlier, he had sent a WhatsApp message to one of the Tenants, as a reminder to attend this hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment 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 was still in possession of the rental unit.
3. The monthly rent is \$2,300.00. It is due on the 11th day of each month.
4. Based on the monthly rent, the daily rent/compensation is \$75.62. This amount is calculated as follows: \$2,300.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the L1 application was filed.
6. The rent arrears owing to April 10, 2023 are \$41,400.00.
7. The Landlord 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. The Landlord's Agent acknowledged the \$35,000.00 maximum monetary jurisdiction of the LTB and waived the rent owing in excess of this maximum. I am satisfied that the Landlord attorns to the LTB's jurisdiction of \$35,000.00.
10. The Landlord's Agent explained how the tenancy had begun when his company (the Landlord of record) purchased the rental unit property, which included the Tenants becoming tenants of the rental unit for this L1 application. He further explained how the Tenants have a number of family members living in the unit. The Landlord's Agent stated he lives next door to the rental unit and he currently has serious financial challenges because of the Tenants failing to pay monthly rents.
11. 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 Landlord attempted to negotiate a repayment agreement with the Tenant and 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 Landlord 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 Landlord or to the LTB in trust:**
 - \$35,000.00 if the payment is made on or before April 8, 2023. See Schedule 1A 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 Tenant has paid the full amount owing as ordered plus any additional rent that became due after April 8, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant 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 April 8, 2023**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$35,000.00. This amount includes rent arrears owing up to the date of the hearing (March 15, 2023) and the cost of filing the application. See Schedule 1B for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$75.62 per day for the use of the unit starting March 16, 2023 until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before April 8, 2023, the Tenants will start to owe interest. This will be simple interest calculated from April 9, 2023 at 5.00% annually on the balance outstanding.
8. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
9. If the unit is not vacated on or before April 8, 2023, then starting April 9, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after April 9, 2023.

2023 ONL TB 27652 (CanLII)

March 28, 2023

Date Issued

15 Grosvenor Street, Ground Floor Toronto
ON M7A 2G6

Alex Brkic
Member, Landlord and Tenant Board

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 October 9, 2023 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.

*Note: When the Board directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice

**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 April 8, 2023

Rent Owing To April 10, 2023	\$41,400.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Total the Tenants must pay to continue the tenancy (Landlord agreed to waive any money owing above \$35,000.00)	\$41,586.00 But only \$35,000.00 is ordered

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

Rent Owing To Hearing Date (March 15, 2023)	\$39,478.10
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord 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
Total amount owing to the Landlord (LTB jurisdiction is \$35,000.00)	\$39,664.10 But only \$35,000.00 is ordered
Plus daily compensation owing for each day of occupation starting March 16, 2023	\$75.62 (per day)