



**MAR 21, 2024**

*Elan Shemtov*

Landlord and Tenant Board

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

**Citation:** Gupta v Jeffrey, 2024 ONLTB 21233

**Date:** 2024-03-21

**File Number:** LTB-L-031585-22

**In the matter of:** 4475 HIGHWAY 2  
CLARINGTON ON L1B1L9

**Between:** Rakesh Gupta Landlord

**And**

Angela Jeffrey Tenants  
Kirk Saltern

Rakesh Gupta (the 'Landlord') applied for an order to terminate the tenancy and evict Angela Jeffrey and Kirk Saltern (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe (L1 application) and the Tenants have been persistently late in paying the Tenants' rent (L2 application).

This application was heard by videoconference on February 5, 2024.

The Landlord and the Tenant Angela Jeffrey attended the hearing.

At the hearing, the parties reached consent. I am satisfied that the parties have understood the consequences of their consent.

**Agreed facts:**

1. The Landlord 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 \$1,975.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$64.93. This amount is calculated as follows: \$1,975.00 x 12, divided by 365 days.
5. The Tenants have paid \$22,275.00 to the Landlord since the application was filed.
6. The rent arrears owing to February 29, 2024 are \$22,175.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord collected a rent deposit of \$1,750.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$174.28 is owing to the Tenants for the period from December 1, 2017 to February 5, 2024.
10. The parties consented to a non-voidable eviction order with a termination date of March 1, 2024.

**It is ordered on consent that:**

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants shall vacate the rental unit by March 1, 2024.
2. The Tenants shall pay to the Landlord \$18,786.37. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
3. The Tenants shall also pay the Landlord compensation of \$64.93 per day for the use of the unit starting February 6, 2024 until the date the Tenants move out of the unit.
4. If the Tenants do not pay the Landlord the full amount owing on or before March 1, 2024, the Tenants will start to owe interest. This will be simple interest calculated from March 2, 2024 at 7.00% annually on the balance outstanding.
5. If the unit is not vacated on or before March 1, 2024, then starting March 2, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 March 2, 2024.

**March 21, 2024**  
**Date Issued**

  
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Elan Shemtov  
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 September 2, 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 if the tenancy is terminated**

Rent Owing To Hearing Date	\$42,799.65
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlord since the application was filed	- \$22,275.00
<b>Less</b> the amount the Tenants paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,750.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$174.28
<b>Less</b> the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenants are entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$18,786.37</b>
Plus daily compensation owing for each day of occupation starting February 6, 2024	\$64.93 (per day)