



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-10054-21

In the matter of: 310, 7405 GOREWAY ROAD
MISSISSAUGA ON L4T0A3

Between: Rohit Persaud Landlords
Tetry Persaud

and

Brian Persaud Tenant

Rohit Persaud and Tetry Persaud (the 'Landlords') applied for an order to terminate the tenancy and evict Brian Persaud (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via video/teleconference on July 23, 2021.

The Landlords, the Landlord's Legal Representative Ramadevi Gavisetty and the Tenant attended the hearing.

Determinations:

1. The Landlord served a Notice of Termination because the Tenant had not paid the total rent the Tenant was required to pay for the period from March 1, 2020 to July 31, 2021.
2. The Tenant was in possession of the rental unit on the date the application was filed by the Landlord with the Board.
3. The monthly rent is \$600.00.
4. The Landlord affirms not holding a last month rent deposit.
5. The Landlord submitted a L1 information update form setting out that the Tenant did not pay anything towards rent owing after the application was filed with the Board and the total amount of the rent arrears now owing up to July 31, 2021 totalling \$10,200.00.
6. The Tenant disputed the term of the tenancy and the amount of rent arrears owing to the Landlord. No documentary evidence was submitted to support the tenancy started as of January 1, 2021 versus March 2020.
7. On cross-examination, the Tenant's responses to questions posed to him were vague in content, overly evasive that led me to believe he was skirting the truth to the facts.

8. Based on the totality of the submissions made by both parties, I am satisfied on a balance of probabilities that as of the hearing date, the Tenant owes to the Landlord up to the period ending July 31, 2021, rent arrears of \$10,200.00, plus \$186.00 for the Landlord's cost to file the application - totalling \$10,386.00.
9. The Landlord testified that there have been ongoing discussions with the Tenant about the arrears and attempts to reach a settlement, but to no avail. As a result, I am satisfied that the Landlord complied with their obligations under subsection 83(6) of the *Residential Tenancies Act, 2006* (the 'Act').
10. The Landlord is requesting a standard order for the arrears and to end the tenancy.
11. Based on all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), 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. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 31, 2021.
2. The Tenant shall pay to the Landlords \$10,534.27*, which represents the amount of rent owing and compensation up to August 16, 2021.
3. The Tenant shall also pay to the Landlords \$19.73 per day for compensation for the use of the unit starting August 17, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing* on or before August 27, 2021, the Tenant will start to owe interest. This will be simple interest calculated from August 28, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 31, 2021, then starting September 1, 2021, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 September 1, 2021.
8. If, on or before August 31, 2021, the Tenant pays the amount of \$10,986.00** to the Landlords or to the Board in trust, this order for eviction will be void. This means that the tenancy would not be terminated and the Tenant could remain in the unit. If this payment is not made in full and on time, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

9. The Tenant may make a motion to the Board under subsection 74(11) of the Act to set aside this order if they pay the amount required under that subsection on or after September 1, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



August 17 2021
Date Issued

Randy Aulbrook
Member, Landlord and Tenant Board

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5

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 March 1, 2022 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.

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

**Schedule 1
SUMMARY OF CALCULATIONS**

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A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	March 1, 2020 to March 24, 2021	\$7,673.42
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 25, 2021 to August 16, 2021	\$2,860.85
Amount owing to the Landlords on the order date: (total of previous boxes)		\$10,534.27
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting August 17, 2021:		\$19.73 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$10,720.27, + \$19.73 per day starting August 17, 2021

B. Amount the Tenant must pay to void the eviction order and continue the tenancy:

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2020 to August 31, 2021	\$10,800.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before August 31, 2021	\$10,986.00