



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

**File Number:** SWL-48686-21

**In the matter of:** 305, 95 OAKVILLE AVENUE  
LONDON ON N5V2S3

**Between:** Amiraco Properties Inc. Landlord

**and**

Michael Matar Tenant

Amiraco Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Michael Matar (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard by videoconference on July 8, 2021. The Landlord's Legal Representative, R. Brown, attended the hearing on behalf of the Landlord. As of 1:55 p.m., the Tenant was not present or represented at the hearing, although properly served with notice of this hearing by the Board.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from October 1, 2020 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective December 22, 2020.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$652.69.
4. The Landlord incurred charges of \$21.00 for three cheques tendered by or on behalf of the Tenant, which were returned NSF, and \$60.00 for related administration charges.
5. The Landlord collected a rent deposit of \$695.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenant for the period from August 15, 2016 to December 22, 2020.
6. As of the date of the hearing, the Tenant had paid a total of \$3,352.00 to the Landlord after the application was filed.

7. The Landlord attempted to negotiate a payment agreement with the Tenant to resolve the outstanding arrears. To this end, two agreements were made with the Tenant in April and May 2021 respectively. However, the Tenant failed to comply with the terms of either of these agreements.
8. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord has attempted to negotiate an agreement with the Tenant regarding this application, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The arrears of rent are significant and growing, and it would not be reasonable to postpone this eviction any further.

**It is ordered that:**

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before October 31, 2021.
2. The Tenant shall pay to the Landlord \$4,226.78\*, which represents the amount of rent owing and compensation up to October 20, 2021 and the total charges related to three NSF cheques tendered to the Landlord by or on behalf of the Tenant, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$21.46 per day for compensation for the use of the unit starting October 21, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing\* on or before October 31, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 31, 2021, then starting November 1, 2021, the Landlord 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 Landlord, on or after November 1, 2021.
8. If, on or before October 31, 2021, the Tenant pays the amount of \$5,090.64\*\* to the Landlord 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 Landlord 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

November 1, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

**October 20, 2021**  
**Date Issued**



Arnab Quadry  
Member, Landlord and Tenant Board

South West-RO  
150 Dufferin Avenue, Suite 400, 4th Floor  
London ON N6A5N6

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 May 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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2021 CanLII 142653 (ON LTB)

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	October 1, 2020 to December 22, 2020	\$1,768.13
Less the amount the Tenant paid to the Landlord		-\$3,352.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 23, 2020 to October 20, 2021	\$6,480.92
Less the rent deposit:		-\$695.00
Less the interest owing on the rent deposit:	August 15, 2016 to December 22, 2020	-\$56.27
NSF cheque charges:		\$21.00
Administration charges related to NSF cheque charges:		\$60.00
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$4,226.78</b>
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 21, 2021:		\$21.46 (per day)
<b>Total the Tenant must pay the Landlord if the tenancy is terminated:</b>		<b>\$4,412.78, + \$21.46 per day starting October 21, 2021</b>

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

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	October 1, 2020 to October 31, 2021	\$8,175.64
Less the amount the Tenant paid to the Landlord		-\$3,352.00
Additional costs the Tenant must pay to the Landlord:		\$186.00
NSF cheque charges:		\$21.00
Administration charges related to NSF cheque charges:		\$60.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before October 31, 2021	<b>\$5,090.64</b>