



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Singh v Macquarrie, 2023 ONLTB 61769

**Date:** 2023-09-13

**File Number:** LTB-L-010706-23

**In the matter of:** 3534 ARLINGTON AVE  
NIAGARA FALLS ON L2J2W9

**Between:** Manpreet Singh and Manjeet Kaur Saini

**And**

Kyle Micheal Roy Macquarrie  
Shianne Erin Collens

I hereby certify this is a  
true copy of an Order dated  
**SEP 13, 2023**  
Landlord and Tenant Board

Landlords

Tenants

Manpreet Singh and Manjeet Kaur Saini (the 'Landlords') applied for an order to terminate the tenancy and evict Kyle Micheal Roy Macquarrie and Shianne Erin Collens (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 30, 2023.

The Landlords and the Landlords' Representative, Ravinder Bassi, attended the hearing. The Tenant, Kyle Micheal Roy Macquarrie, attended the hearing.

The parties before the LTB consented to the following order:

**Agreed facts:**

1. The Landlords served the Tenants with a 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 \$3,200.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$105.21. This amount is calculated as follows: \$3,200.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to August 31, 2023 are \$36,400.00. The amount of money the Tenants must pay to continue the tenancy, as set out in paragraph two below, exceeds \$35,000.00. While the Board's monetary jurisdiction is \$35,000.00, the Divisional Court recently confirmed in *Galaxy Real Estate Core Ontario LP v. Kirpichova et al.*, 2023 ONSC 4356, that the pursuant to section 74(3)(a) of the *Residential Tenancies Act, 2006* ("Act"), the full amount of rent arrears owing must be paid by the tenant to void the order.


Therefore, the amount of money the Tenants must pay to void the order and continue the tenancy is not subject to the Board's monetary jurisdiction.

7. **The Landlords understand, by accepting the Board's monetary jurisdiction limit, the Landlords cannot pursue the Tenants for any amount owing over \$35,000.00 in any other application or court proceeding if the tenancy is terminated.**
8. The Landlords incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

**On consent it is ordered that:**

1. The tenancy between the Landlords 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 Landlords or to the LTB in trust:**
  - \$39,786.00 if the payment is made on or before September 30, 2023. See Schedule 1 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 Tenants has paid the full amount owing as ordered plus any additional rent that became due after September 30, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants 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 September 30, 2023**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$35,186.00. This amount includes rent arrears owing up to the date of the hearing subject to the LTB's monetary jurisdiction and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlords compensation of \$105.21 per day for the use of the unit starting August 31, 2023 until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before September 24, 2023, the Tenants will start to owe interest. This will be simple interest calculated from September 25, 2023 at 6.00% annually on the balance outstanding.
8. If the unit is not vacated on or before September 30, 2023, then starting October 1, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 October 1, 2023.

**September 13, 2023**  
**Date Issued**

  
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Vicky Liu  
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 April 1, 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 to void the eviction order and continue the tenancy if the payment is made on or before September 30, 2023**

Rent Owing To September 30, 2023	\$39,600.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
<b>Less</b> the amount the Tenants paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount the Landlords owes the Tenants for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenants is entitled to	- \$0.00
<b>Total the Tenants must pay to continue the tenancy</b>	<b>\$39,786.00</b>

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

Rent Owing To Hearing Date	\$36,356.30
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenants paid to the Landlords since the application was filed	- \$0.00
<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	- \$
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$0.00
<b>Less</b> the amount the Landlords owes the Tenants for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenants is entitled to	- \$0.00
<b>Total amount owing to the Landlords</b>	<b>\$35,186.00</b>
Plus daily compensation owing for each day of occupation starting August 31, 2023	\$105.21 (per day)