



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-10154-21

In the matter of: BLK10 U 22, 10 GLOBMASTER LANE
RICHMOND HILL ON L4E1H3

Between: Akram Khaleghei Ghosheh Balagh Landlords
Vahid Roshanaei

and

Zoltan Baranyi Tenants
Zoltanne Baranyi

Akram Khaleghei Ghosheh Balagh and Vahid Roshanaei (the 'Landlords') applied for an order to terminate the tenancy and evict Zoltanne Baranyi and Zoltan Baranyi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 23, 2021.

The Landlords and the Tenants attended the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from December 15, 2020 to August 14, 2021. Because of the arrears, the Landlords served a Notice of Termination effective April 4, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,700.00.
4. The Tenants have made no payments since the application was filed.
5. The Landlords collected a rent deposit of \$2,700.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from September 16, 2020 to April 4, 2021.

7. The parties submitted jointly that the parties are intending or planning for a termination of the tenancy on August 15, 2021, but there was no request or agreement for an order on consent.
8. At the hearing, the parties did agree that the amount of arrears owing to August 14, 2021 is \$24,486.00, which includes the \$186.00 filing fee.
9. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), 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. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before September 7, 2021.
2. The Tenants shall pay to the Landlords \$19,119.56*, which represents the amount of rent owing and compensation up to August 27, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$88.77 per day for compensation for the use of the unit starting August 28, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before September 7, 2021, the Tenants will start to owe interest. This will be simple interest calculated from September 8, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 7, 2021, then starting September 8, 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 8, 2021.
8. If, on or before September 7, 2021, the Tenants pay the amount of \$27,186.00** 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 Tenants 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 Tenants 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 8, 2021 but before the Sheriff gives vacant possession to the Landlords. The

Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



Alex Brkic
Member, Landlord and Tenant Board

August 27, 2021
Date Issued

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 8, 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 Tenants must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	December 15, 2020 to April 4, 2021	\$8,965.48
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 5, 2021 to August 27, 2021	\$12,871.65
Less the rent deposit:		-\$2,700.00
Less the interest owing on the rent deposit:	September 16, 2020 to April 4, 2021	-\$17.57
Amount owing to the Landlords on the order date: (total of previous boxes)		\$19,119.56
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting August 28, 2021:		\$88.77 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$19,305.56, + \$88.77 per day starting August 28, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	December 15, 2020 to August 14, 2021	\$24,300.00
New rent currently due:	August 15, 2021 to September 14, 2021	\$2,700.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before September 7, 2021	\$27,186.00