



Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-33291-21

In the matter of: 1014, 35 FOUNTAINHEAD ROAD
NORTH YORK ON M3J2V7

Between: Ranee Management

Landlord

and

Prit Shaileshbhai Desai

Tenant

Ranee Management (the 'Landlord') applied for an order to terminate the tenancy and evict Prit Shaileshbhai Desai (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on October 4, 2021.

Only the Landlord's Legal Representative, I. Glickman, attended the hearing. As of 9:52 a.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 July 1, 2020 to October 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective June 23, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,725.29.
4. The Tenant paid \$6,841.30 after the application was filed.
5. The Landlord sent a letter to the Tenant on the necessity of a repayment agreement. The Landlord's attempts at negotiating a repayment agreement were unsuccessful.
6. The Landlord collected a rent deposit of \$1,549.00 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenant for the period from September 1, 2020 to December 31, 2020.
8. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), 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 not be unfair to postpone the eviction until December 31, 2021 pursuant to subsection 83(1)(b) of the Act. The Landlord requested additional time be given to the Tenant to pay the outstanding amount.

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 December 31, 2021.
2. As of the date of this order, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent and compensation the Landlord is entitled to by \$263.08*.
3. However, the Landlord is authorized to offset the following amounts from the amount the Landlord owes the Tenant: \$56.72 per day for compensation for the use of the unit starting October 16, 2021 to the date the Tenant moves out of the unit, and \$186.00 for the cost of filing the application.
4. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
5. If the unit is not vacated on or before December 31, 2021, then starting January 1, 2022, 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 January 1, 2022.
7. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlord or to the Board in trust:
 - i) \$2,339.08 if the payment is made on or before October 31, 2021,
 - ii) \$4,064.37 if the payment is made on or before November 30, 2021, or
 - iii) \$5,789.66 if the payment is made on or before December 31, 2021**.If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 January 1, 2022 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 15, 2021
Date Issued



Jitewa Edu
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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 July 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 140226 (ON LTB)

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)	July 1, 2020 to June 23, 2021	\$1,672.53
Less the amount the Tenant paid to the Landlord		-\$6,841.30
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 24, 2021 to October 15, 2021	\$6,466.08
Less the rent deposit:		-\$1,549.00
Less the interest owing on the rent deposit:	September 1, 2020 to June 23, 2021	-\$11.39
Amount owing to the Landlord on the order date: (total of previous boxes)		-\$263.08
Additional costs the Tenant must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 16, 2021:		\$56.72 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		-\$77.08, + \$56.72 per day starting October 16, 2021

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

1. If the payment is made on or before October 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2020 to October 31, 2021	\$8,994.38
Less the amount the Tenant paid to the Landlord:		-\$6,841.30
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before October 31, 2021	\$2,339.08

2. If the payment is made after October 31, 2021 but on or before November 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2020 to October 31, 2021	\$10,719.67
Less the amount the Tenant paid to the Landlord:		-\$6,841.30
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before October 31, 2021	\$4,064.37

3. If the payment is made after November 30, 2021 but on or before December 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	July 1, 2020 to December 31, 2021	\$12,444.96
Less the amount the Tenant paid to the Landlord:		-\$6,841.30
Additional costs the Tenant must pay to the Landlord:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before December 31, 2021	\$5,789.66