



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

Citation: Haoz v Poor, 2023 ONLTB 33503

Date: 2023-04-26

File Number: LTB-L-007815-23

In the matter of: 216 Butter Ridge Trail Aurora,
ON L4G 3P1

Between: Kazim Hasoz Landlord

And

Fatemeh Mohammadi Tenants
Mohammad Reza Hajian Poor
Shiva Hajian Poor

Kazim Hasoz (the 'Landlord') applied for an order to terminate the tenancy and evict Fatemeh Mohammadi, Mohammad Reza Hajian Poor and Shiva Hajian Poor (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 11, 2023.

The Landlord, the Landlord's Legal Representative Proshot Babaeian, the Tenant Mohammad Reza Hajian Poor ('MP') and the Tenant's Legal Representative Robert Heughan attended the hearing.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment 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 was still in possession of the rental unit.
3. The lawful rent is \$3,000.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$98.63. This amount is calculated as follows: \$3,000.00 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 April 30, 2023 are \$15,000.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$3,000.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$141.66 is owing to the Tenants for the period from October 1, 2019 to April 11, 2023.

Section 83 Considerations

10. MP acknowledged the arrears on behalf of the Tenants and testified that when he tried to work out a payment plan with the Landlord, the Landlord tried to re-negotiate the rent.
11. MP testified that he had been receiving CERB from March 2020 until March 2021 and was on employment insurance from August 2021, until August 2022. He testified that he is now employed by A1 limo and that he and his wife's combined income is \$11,500.00 per month.
12. The Tenants have suggested a re-payment plan whereby they would pay the regular rent on time and in full, plus an additional \$2,500.00 - \$3,000.00 per month towards the arrears. The Landlord's Legal Representative submitted that her client would only accept a repayment plan of \$5,000.00 per month.
13. Based on MP's evidence with respect to the Tenants' income, I find on a balance of probabilities that the Tenant's payment plan is reasonable and will be ordered at a payment of \$3,000.00 per month for 5 months.
14. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

15. The Tenancy between the Landlord and the Tenants is persevered subject to the following conditions:

16. The Tenants shall pay to the Landlord \$15,186.00 for arrears of rent up to April 30, 2023.
17. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) \$3,000.00 per month, on or before the 20th of each month, starting May 20, 2023, until August 20, 2023.
 - b) \$3,186.00 to be paid on or before September 20, 2023.
18. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing from May 1, 2023, until September 1, 2023.
19. If the Tenants fail to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the

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Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after April 30, 2023.

April 26, 2023

Date Issued

Jagger Benham

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.

