



MAR 28, 2024

Elan Shemtov

Landlord and Tenant Board

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

Citation: Janakan v Gale, 2024 ONLTB 22745

Date: 2024-03-28

File Number: LTB-L-076538-22; LTB-L-046913-23

In the matter of: MAIN FLOOR, 284 GROVE ST E
BARRIE ON L4M2R3

Between: Sujeetha Janakan Landlord

And

Corry Gale Tenant

Sujeetha Janakan (the 'Landlord') applied for an order to terminate the tenancy and evict Corry Gale (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 12, 2024.

The Landlord, the Landlord's Representative Erli Bregu, and the Tenant Corry Gale attended the hearing.

This was a combined hearing of two L1 applications with overlapping rental periods, so the hearing proceeded on the basis of all rental periods covered by both applications as does this order.

The Tenant Michael Gale is removed from the application as he is a minor and lacks capacity to contract and no exceptional circumstance was referred to that overrides this principle, including the Sale of Goods Act which is not applicable.

At the hearing, the parties reached consent. I am satisfied that the parties have understood the consequences of their consent.

Agreed facts:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,742.50. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$57.29. This amount is calculated as follows: \$1,742.50 x 12, divided by 365 days.

5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to February 29, 2024 are \$27,705.00.
7. The Landlord incurred costs of \$202.15 for filing the applications and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,700.00 from the Tenant 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 \$84.32 is owing to the Tenant for the period from August 13, 2020 to February 12, 2024.
10. At the hearing, the Tenant consented to a non-voidable order with a termination date of March 31, 2024.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant is terminated on March 31, 2024. The Tenant shall vacate the rental unit by this date.
2. If the unit is not vacated on or before March 31, 2024, then starting April 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 April 1, 2024.
4. The Tenant shall pay to the Landlord \$25,067.81. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
5. The Tenant shall also pay the Landlord compensation of \$57.29 per day for the use of the unit starting February 13, 2024 until the date the Tenant moves out of the unit.
6. If the Tenant does not pay the Landlord the full amount owing on or before March 31, 2024, the Tenant will start to owe interest. This will be simple interest calculated from April 1, 2024 at 7.00% annually on the balance outstanding.

March 28, 2024
Date Issued

Elan Shemtov

Elan Shemtov
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 October 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 Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$26,649.98
Application Filing Fee	\$202.15
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$1,700.00
Less the amount of the interest on the last month's rent deposit	- \$84.32
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$25,067.81
Plus daily compensation owing for each day of occupation starting February 13, 2024	\$57.29 (per day)