



Order under Section 69
Residential Tenancies Act, 2006

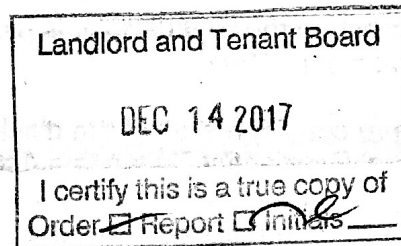
File Number: CEL-71102-17

In the matter of: UPPER LEVEL, 78 HAROLD STREET
BRAMPTON ON L6Y1E4

Between: Santhoshi Khamtamneni Venkata

and

Andrew Vibert
Diane Vibert
Stephanie Vibert



Landlord

Tenants

Santhoshi Khamtamneni Venkata (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Vibert, Diane Vibert and Stephanie Vibert (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Mississauga on December 13, 2017.

The Landlord and the Tenant, D. Vibert (DV) attended the hearing.

Determinations:

1. DV requested removal of the other tenants from this application because they did not sign the tenancy agreement. DV submitted a copy of the tenancy agreement into evidence.

Is DV the only tenant?

2. Subsection 2(1) of the *Residential Tenancies Act, 2006* defines a tenancy agreement as a written, oral or implied agreement between a tenant and a landlord.
3. Subsection 2(1) of the Act defines a tenant as including a person who pays rent in return for the right to occupy a unit.
4. The tenancy agreement was only signed by DV however the other two tenants were named. The other tenants are adult children of DV. The fact that the other two tenants did not sign the tenancy agreement is not sufficient to find that the other tenants are not tenants. Therefore, the named Tenants in this application remains unchanged.

Rent owing


5. The Tenants have not paid the total rent they were required to pay for the period from September 1, 2017 to December 31, 2017. Because of the arrears, the Landlord served a Notice of Termination effective November 2, 2017.
6. The Landlord collected a rent deposit of \$2,050.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from July 28, 2017 to November 2, 2017.
8. 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 necessary to grant relief from eviction pursuant to subsection 83(1) of the Act because the parties agreed to terminate the tenancy as of December 31, 2017.

It is ordered that:

1. Unless the Tenants void the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before December 31, 2017.
2. The Tenants shall pay to the Landlord \$5,007.34*, which represents the amount of rent owing and compensation up to December 14, 2017, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$67.40 per day for compensation for the use of the unit starting December 15, 2017 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$175.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before December 31, 2017, the Tenants will start to owe interest. This will be simple interest calculated from January 1, 2018 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 31, 2017, then starting January 1, 2018, the Landlord 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 Landlord, on or after January 1, 2018.
8. If, on or before December 31, 2017, the Tenants pay the amount of \$8,375.00** to the Landlord 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 Landlord 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 January 1, 2018 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

December 14, 2017
Date Issued


Avril Cardoso
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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, 2018 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**

File Number: CEL-71102-17

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) | September 1, 2017 to November 2, 2017 | \$4,234.79 |
| Plus compensation: (from the day after the termination date in the Notice to the date of the order) | November 3, 2017 to December 14, 2017 | \$2,830.80 |
| Less the rent deposit: | | -\$2,050.00 |
| Less the interest owing on the rent deposit: | July 28, 2017 to November 2, 2017 | -\$8.25 |
| Amount owing to the Landlord on the order date: (total of previous boxes) | | \$5,007.34 |
| Additional costs the Tenants must pay to the Landlord: | | \$175.00 |
| Plus daily compensation owing for each day of occupation starting December 15, 2017: | | \$67.40 (per day) |
| Total the Tenants must pay the Landlord if the tenancy is terminated: | | \$5,182.34, + \$67.40 per day starting December 15, 2017 |

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

| Reasons for amount owing | Period | Amount |
|--|--|-------------------|
| Arrears: | September 1, 2017 to December 31, 2017 | \$8,200.00 |
| Additional costs the Tenants must pay to the Landlord: | | \$175.00 |
| Total the Tenants must pay to continue the tenancy: | On or before December 31, 2017 | \$8,375.00 |