



Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-19002-21

In the matter of: MAIN FLOOR, 237 BRAYMORE BOULEVARD
TORONTO ON M1B2E1

Between: Vijay Francis Landlord

and

Marcia Greenidge Tenants
Phylmore Miller

2021 CanLII 148423 (ON LTB)

Vijay Francis (the 'Landlord') applied for an order to terminate the tenancy and evict Marcia Greenidge and Phylmore Miller (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on November 24, 2021. The Landlord's Property Manager, Sherri Jaggon (SJ) and Legal Representative, Howard Travoges, as well as one of the Tenants, Phylmore Miller, attended the hearing. The Tenant spoke with Duty Counsel prior to the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from January 1, 2021 to November 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective August 23, 2021.
2. The Tenants vacated the rental unit on October 31, 2021. The Tenants were in possession of the rental unit on the date the application was filed.
3. The lawful monthly rent was \$1,550.00.
4. The Landlord collected a rent deposit of \$1,550.00 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from June 1, 2020 to August 23, 2021.
6. SJ testified the only payment received after the application was filed was by the Tenant Marcia Greenidge (MG) in September 2021 (\$1,550.00). She said MG made all rent payments during the tenancy.

7. The Tenant stated he believed the Landlord also received a rent payment for the month of October 2021, in the amount of \$1,550.00 although the payment was not made by him and he did not provide any documentary evidence to support his claim.
8. Based on the evidence before me and on a balance of probabilities, I find the Tenants paid \$1,550.00 after the application was filed.

It is ordered that:

1. The tenancy is terminated as of October 31, 2021 the date the Tenants returned vacant possession of the rental unit to the Landlord.
2. The Tenants shall pay to the Landlord \$7,656.41*, which represents the amount of rent owing and compensation up to October 31, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
4. If the Tenants do not pay the Landlord the full amount owing* on or before December 11, 2021, the Tenants will start to owe interest. This will be simple interest calculated from December 12, 2021 at 2.00% annually on the balance outstanding.

November 30, 2021
Date Issued



Troy Rossignol
Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

* Refer to section A on the attached Summary of Calculations.

**Schedule 1
SUMMARY OF CALCULATIONS**

File Number: TEL-19002-21

A. Amount the Tenants must pay as the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	January 1, 2021 to August 23, 2021	\$7,242.05
Less the amount the Tenants paid to the Landlord		-\$1,550.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	August 24, 2021 to October 31, 2021	\$3,516.24
Less the rent deposit:		-\$1,550.00
Less the interest owing on the rent deposit:	June 1, 2020 to August 23, 2021	-\$1.88
Amount owing to the Landlord on the order date:(total of previous boxes)		\$7,656.41
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay the Landlord as the tenancy is terminated:		\$7,842.41

2021 CanLII 148423 (ON LTB)