



AMENDED ORDER

**Order under Section 69
Residential Tenancies Act, 2006
and section 21.1 of the Statutory Powers Procedures Act**


File Number: LTB-L-070410-23

In the matter of: 87 KEBA CRES
TILLSONBURG ON N4G0K7

Between: Amarjeet Singh

And

Elizabeth Nadine Dykstra
Jeffery Wray Lounsbury

I hereby certify this is a
true copy of an Order dated
APR 24, 2024

Landlord and Tenant Board

Landlord

Tenant

Amarjeet Singh (the 'Landlord') applied for an order to terminate the tenancy and evict Elizabeth Nadine Dykstra and Jeffery Wray Lounsbury (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on March 5, 2024.

The Landlord, Landlord's Legal Representative, Yuvraj Bhullar, and the Tenant, Elizabeth Nadine Dykstra, attended the hearing.

The order is amended to correct the calculations in the Order and Schedules. Due to a clerical error, the original order gave the wrong amounts to void the order and the amount owed if the tenancy were ended.

Determinations:

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 \$2,500.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$82.19. This amount is calculated as follows: \$2,500.00 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 March 31, 2024 are \$22,500.00. There was no dispute about the arrears.
7. The Landlord is entitled to \$60.00 to reimburse the Landlord for administration charges and \$60.00 for bank fees the Landlord incurred as a result of 4 cheque given by or on behalf of the Tenant which was returned NSF.
8. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,500.00 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.
10. Interest on the rent deposit, in the amount of \$63.36 is owing to the Tenant for the period from March 1, 2023 to March 5, 2024.
11. The Landlord submitted that there were discussions with the Tenant about payment plans to address the arrears at various times. However, no resolution could be reached. The Tenant offered to pay \$100.00 a month. The Landlord rejected this as too prejudicial.
12. The Landlord requested an order with a delayed eviction to April 30, 2024.
13. The Tenant submitted that they plan to vacate the rental unit on May 1, 2024.
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 postpone the eviction until April 30, 2024 pursuant to subsection 83(1)(b) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
2. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$25,321.00 if the payment is made on or before April 30, 2024. See Schedule 1 for the calculation of the amount owing.
3. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after April 30, 2024 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before April 30, 2024**
5. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$18,168.59. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application and unpaid NSF charges. 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.

6. The Tenant shall also pay the Landlord compensation of \$82.19 per day for the use of the unit starting March 6, 2024 until the date the Tenant moves out of the unit.
7. If the Tenant does not pay the Landlord the full amount owing on or before April 30, 2024, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2024 at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before April 30, 2024, then starting May 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 May 1, 2024.

April 12, 2024
Date Issued



Henry Yeung
Member, Landlord and Tenant Board

April 24, 2024
Date Amended

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 November 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 to void the eviction order and continue the tenancy if the payment is made on or before April 30, 2024

Rent Owing To April 30, 2024	\$25,000.00
Application Filing Fee	\$201.00
NSF Charges	\$120.00
Total the Tenant must pay to continue the tenancy	\$25,321.00

B. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$20,410.95
Application Filing Fee	\$201.00
NSF Charges	\$120.00
Less the amount of the last month's rent deposit	- \$2,500.00
Less the amount of the interest on the last month's rent deposit	- \$63.36
Total amount owing to the Landlord	\$18,168.59
Plus daily compensation owing for each day of occupation starting March 6, 2024	\$82.19 (per day)