



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

**File Number:** HOL-09794-21

**In the matter of:** 1107, 75 EGLINTON AVENUE W  
MISSISSAUGA ON L5R0E5

**Between:** Rajat Marwah Landlords  
Neeta Marwah

**and**

Kenton Scully Tenant

Rajat Marwah and Neeta Marwah (the 'Landlords') applied for an order to terminate the tenancy and evict Kenton Scully (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 4, 2021. The Landlords' Legal Representative, Amar Dhir, and the Tenant attended the hearing.

**Determinations:**

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from November 15, 2020 to November 14, 2021. Because of the arrears, the Landlords served a Notice of Termination effective March 3, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$2,500.00.
4. The Tenant has made no payments since the application was filed.
5. The arrears outstanding to November 14, 2021 total \$30,000.00.
6. The Landlords collected a rent deposit of \$2,500.00 from the Tenant and this deposit is still being held by the Landlords.

7. Interest on the rent deposit is owing to the Tenant for the period from July 14, 2020 to March 3, 2021.
8. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenant is terminated. The Tenant must move out of the rental unit on or before **November 21, 2021**.
2. The Tenant shall pay to the Landlords **\$27,107.55\***, which represents the amount of rent owing and compensation up to November 10, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords **\$82.19** per day for compensation for the use of the unit starting November 11, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlords **\$186.00** for the cost of filing the application.
5. If the Tenant does not pay the Landlords the full amount owing\* on or before November 21, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 22, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before November 21, 2021, then starting November 22, 2021, the Landlords 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 Landlords, on or after November 22, 2021.
8. If the Tenant wishes to void this order and continue the tenancy, the Tenant must pay to the Landlords or to the Board in trust:
  - i) **\$30,186.00** if the payment is made on or before November 14, 2021, or
  - ii) **\$32,408.22** if the payment is made on or before November 21, 2021\*\*.If the Tenant does not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. The Tenant may make a motion to the Board under subsection 74(11) of the Act to set aside this order if the Tenant pays the amount required under that subsection on or after November 22, 2021 but before the Sheriff gives vacant possession to the Landlords. The

Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

**November 10, 2021**  
**Date Issued**

*Michael Di Salle*  
Michael Di Salle  
Member, Landlord and Tenant Board

Head Office  
777 Bay Street, 12th Floor  
Toronto Ontario M5G2E5

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 May 22, 2022 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: HOL-09794-21**

2021 CanLII 145981 (ON LTB)

**A. Amount the Tenant must pay if the tenancy is terminated:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears: (up to the termination date in the Notice of Termination)	November 15, 2020 to March 3, 2021	\$8,897.26
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	March 4, 2021 to November 10, 2021	\$20,711.88
Less the rent deposit:		-\$2,500.00
Less the interest owing on the rent deposit:	July 14, 2020 to March 3, 2021	-\$1.59
Amount owing to the Landlords on the order date:(total of previous boxes)		<b>\$27,107.55</b>
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting November 11, 2021:		\$82.19 (per day)
<b>Total the Tenant must pay the Landlords if the tenancy is terminated:</b>		<b>\$27,293.55, + \$82.19 per day starting November 11, 2021</b>

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

**1. If the payment is made on or before November 14, 2021:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	November 15, 2020 to November 14, 2021	\$30,000.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before November 14, 2021	<b>\$30,186.00</b>

2. If the payment is made after November 14, 2021 but on or before November 21, 2021:

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears:	November 15, 2020 to December 14, 2021	\$32,222.22
Additional costs the Tenant must pay to the Landlords:		\$186.00
<b>Total the Tenant must pay to continue the tenancy:</b>	On or before November 21, 2021	<b>\$32,408.22</b>