



Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-17311-21

In the matter of: 253 GLEN HILL DRIVE
WHITBY ON L1N7J5

Between: Radha Venkareddy

Landlord

and

Israel A. Innes
Victoria J. Reid

Tenants

Radha Venkareddy (the 'Landlord') applied for an order to terminate the tenancy and evict Victoria J. Reid and Israel A. Innes (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by video conference on November 10, 2021. The Landlord and the Tenant Israel A. Innes, on behalf of both Tenants, attended the hearing. The Tenant spoke with Tenant 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 March 15, 2021 to November 14, 2021. Because of the arrears, the Landlord served a Notice of Termination effective May 31, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$3,200.00.
4. The Tenants paid \$13,800.00 after the application was filed.
5. The Tenants moved into the rental unit a year ago and had to close a business due to the pandemic. Although the male Tenant is in receipt of stable income from the Ontario Disability Support Program, I did not find the Tenants' proposed payment plan viable.
6. The Landlord collected a rent deposit of \$3,200.00 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 November 14, 2020 to December 31, 2020.
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 unfair to postpone the eviction until December 31, 2021 pursuant to subsection 83(1)(b) of the Act.

Additional time given to the Tenants to pay the outstanding amount or seek alternative accommodation.

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, 2021.
2. The Tenants shall pay to the Landlord \$5,960.30*, which represents the amount of rent owing and compensation up to November 19, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$105.21 per day for compensation for the use of the unit starting November 20, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 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, 2021, the Tenants will start to owe interest. This will be simple interest calculated from January 1, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 31, 2021, then starting January 1, 2022, 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, 2022.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$11,986.00 if the payment is made on or before December 14, 2021, or
 - ii) \$15,186.00 if the payment is made on or before December 31, 2021**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then 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, 2022 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.

November 19, 2021
Date Issued

Toronto East-RO
2275 Midland Avenue, Unit 2



Jitewa Edu
Member, Landlord and Tenant Board

Toronto ON M1P3E7

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, 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**

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2021 CanLII 147459 (ON LTB)

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)	March 15, 2021 to May 31, 2021	\$4,873.63
Less the amount the Tenants paid to the Landlord		-\$13,800.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 1, 2021 to November 19, 2021	\$18,096.12
Less the rent deposit:		-\$3,200.00
Less the interest owing on the rent deposit:	November 14, 2020 to December 31, 2020	-\$9.45
Amount owing to the Landlord on the order date:(total of previous boxes)		\$5,960.30
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting November 20, 2021:		\$105.21 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$6,146.30, + \$105.21 per day starting November 20, 2021

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

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

Reasons for amount owing	Period	Amount
Arrears:	March 15, 2021 to December 14, 2021	\$25,600.00
Less the amount the Tenants paid to the Landlord:		-\$13,800.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before December 14, 2021	\$11,986.00

2. If the payment is made after December 14, 2021 but on or before December 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	March 15, 2021 to January 14, 2022	\$28,800.00
Less the amount the Tenants paid to the Landlord:		-\$13,800.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before December 31, 2021	\$15,186.00