



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-09010-20

In the matter of: 17 PELLIEGRINO ROAD
BRAMPTON ON L7A4M8

Between: Banmeet Bhatia Landlords
Jagjyot Singh

and

Gursewak Singh Bassi Tenants
Simranjeet Kaur

Banmeet Bhatia and Jagjyot Singh (the 'Landlords') applied for an order to terminate the tenancy and evict Simranjeet Kaur and Gursewak Singh Bassi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by way of a video conference on June 21, 2021. The Landlords attended the hearing, along with the Landlords' Legal Representative, J. Rodrigues. The Tenants attended the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from November 1, 2020 to June 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective November 26, 2020.
2. The Tenants are in possession of the rental unit.
3. The monthly rent is \$3,200.00.
4. The Landlords collected a rent deposit of \$3,200.00 from the Tenants and this deposit is still being held by the Landlords. Interest on the rent deposit is owing to the Tenants for the period from July 11, 2020 to November 26, 2020.
5. The Landlords submitted that the Tenants had not made any payments to the Landlord after the application was filed. The Landlords submitted an L1/L9 update form with the Board as evidence.
6. The Tenants stated that they had paid their rent in cash. The Tenants submitted that they had made two rent payments electronically early on in the tenancy and had then

started making cash payments to the Landlord. The Tenants were not able to provide any dates or times when these cash payments were made. The Tenants were also unable to provide any supporting evidence, such as financial records, banking records or even text messages or correspondence between the parties, which would indicate that the Tenants had made cash payments to the Landlord.

7. On a balance of probabilities, I am satisfied that the Landlords have not received any payments from the Tenants after the application was filed.
8. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord attempted to negotiate a payment plan regarding the outstanding arrears, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The arrears of rent are considerable and growing, and it would not be reasonable to postpone this eviction any further.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before August 17, 2021.
2. The Tenants shall pay to the Landlords \$26,126.66*, which represents the amount of rent owing and compensation up to August 6, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$105.21 per day for compensation for the use of the unit starting August 7, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before August 17, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 18, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 17, 2021, then starting August 18, 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 August 18, 2021.
8. If, on or before August 17, 2021, the Tenants pay the amount of \$32,186.00** to the Landlords 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 Landlords 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 August 18, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.

August 6, 2021
Date Issued



Arnab Quadry
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 February 18, 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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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)	November 1, 2020 to November 26, 2020	\$2,735.34
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	November 27, 2020 to August 6, 2021	\$26,618.13
Less the rent deposit:		-\$3,200.00
Less the interest owing on the rent deposit:	July 11, 2020 to November 26, 2020	-\$26.81
Amount owing to the Landlords on the order date: (total of previous boxes)		\$26,126.66
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting August 7, 2021:		\$105.21 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$26,312.66, + \$105.21 per day starting August 7, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	November 1, 2020 to August 31, 2021	\$32,000.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before August 17, 2021	\$32,186.00

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