



Order under Subsection 87(1)
Residential Tenancies Act, 2006

File Number: TEL-18075-21

In the matter of: 9 WINDLE DRIVE
AJAX ON L1T4P1

Between: Sonali Antony Landlord

and

Diane Wade Tenant

Sonali Antony (the 'Landlord') applied for an order requiring Diane Wade (the 'Tenant') to pay the rent that the Tenant owes.

This application was heard by videoconference on October 6, 2021. The Landlord and the Landlord's Legal Representative, R. Pattern, attended the hearing. The Tenant's Agent, N. Sood, attended the hearing and spoke with Duty Counsel prior to the hearing.

Preliminary Issues:

The Tenant requested an adjournment because she suffered a stroke in July 2021 and is confused. The Tenant, who did not sound confused at the hearing and was supported by her agent, is not receiving any further treatment for the stroke or rehabilitation which could result in a different outcome at the next hearing. Therefore, I found it fair to proceed with the hearing of the application.

Determinations:


1. The Tenant did not pay the total rent the Tenant was required to pay for the period from November 1, 2020 to September 7, 2021.
2. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Court Enforcement Office (Sheriff) gave vacant possession of the rental unit to the Landlord on September 7, 2021.
4. The lawful monthly rent is \$1,525.00.
5. The Tenant argued that she paid the outstanding amount claimed by the Landlord by cheque but provided no evidence to support her claim. The Tenant stated that she did not reside in the rental unit after July 4, 2021. However, she did not dispute the Landlord's claim that her belongings were in the unit on September 7, 2021.

6. In the absence of any proof of rent payments, I find the Tenant has made no payments since the application was filed.
7. The Landlord is not holding a last month's rent deposit.
8. The application is amended to reflect the rent owing up to September 7, 2021.

It is ordered that:

1. The tenancy is terminated as of September 7, 2021, the date the Sheriff gave vacant possession of the rental unit to the Landlord.
2. The Tenant shall pay to the Landlord \$15,600.98, which represents the amount of rent owing up to September 7, 2021.
3. The Tenant shall also pay to the Landlord \$201.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before November 14, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 15, 2021 at 2.00% annually on the balance outstanding.

October 15, 2021
Date Issued



Jitewa Edu
Member, Landlord and Tenant Board

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