



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-00726-21

In the matter of: 511, 4 LISA STREET
BRAMPTON ON L6T4B6

Between: Ramaraju Mudunuri Landlords
Uma Mudunuri

and

Howard Carter Tenant

Ramaraju Mudunuri and Uma Mudunuri (the 'Landlords') applied for an order to terminate the tenancy and evict Howard Carter (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by way of video conference on September 20, 2021. The Landlord, Ramaraju Mundunuri ('RM'), the Landlord's daughter, Sravanti Mudunuri ('SM') and the Tenant attended the hearing. The Tenant spoke to Tenant Duty Counsel prior to the commencement of the hearing. SM spoke on behalf of RM at the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from December 1, 2020 to September 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective May 14, 2021.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,588.00.
4. The Landlords collected a rent deposit of \$1,588.00 from the Tenant and this deposit is still being held by the Landlords.
5. Interest on the rent deposit is owing to the Tenant for the period from September 1, 2015 to May 14, 2021.

Arrears of Rent

6. SM testified that the amount owed to the Landlords is \$11,302.00 which is inclusive of arrears of rent (\$11,116.00) and the cost (\$186.00) of filing the application. SM further testified that since filing the application, the Tenant has not made any payments.
7. The Tenant testified that he believes he did pay the rent for the months of December 2020 and January 2021. He confirmed he did not pay the monthly rent for February 2021 to September 2021. The Tenant had no evidence to support his claim of having paid the Landlord the monthly rent for December 2020 and January 2021.
8. I have reviewed the evidence of both parties and find that the amount of arrears of rent calculated by the Landlord supports a finding that the Tenant paid at least one month's rent either before or after the application was filed. If the Tenant had not made a payment to the Landlords, the amount of arrears of rent owed to the Landlords would be \$12,704.00 (December 2020 to September 2020). However, the Landlords' evidence was clear that the arrears of rent owed is \$11,116.00, which means, the Tenant made at least one monthly rent payment to the Landlords during the period covered by this application.

Section 83 Considerations

9. SM testified that the arrears of rent has caused financial hardship for the Landlords. RM is unemployed and his wife receives a small income. The Landlords rely on the monthly rent to pay the bills for the rental unit which includes the mortgage and property taxes.
10. The Tenant testified that he lives with his son who has special needs. His son is 15 years old. If evicted, the Tenant and his son would have no place to live.
11. The Tenant testified that his monthly income consists of Ontario Works and Child Tax Credit. His total monthly income is \$1,800.00. The Tenant testified that financially, he cannot afford to repay the arrears of rent to the Landlord.
12. The Tenant testified that he has secured new housing but needs until October 31, 2021 to move out of the rental unit. The Landlord agreed that the eviction date could be delayed until October 31, 2021.
13. 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 October 31, 2021. pursuant to subsection 83(1)(b) of the Act. In making this finding, I considered the fact that the Tenant testified that he secured new housing for October 31, 2021 and the Landlord agreed to delay eviction until this date.

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 October 31, 2021.

2. The Tenant shall pay to the Landlords \$6,951.57*, which represents the amount of rent owing and compensation up to September 27, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenant shall also pay to the Landlords \$52.21 per day for compensation for the use of the unit starting September 28, 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 October 8, 2021, the Tenant will start to owe interest. This will be simple interest calculated from October 9, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 31, 2021, then starting November 1, 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 1, 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) \$11,302.00 if the payment is made on or before September 30, 2021, or
 - ii) \$12,890.00 if the payment is made on or before October 31, 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 they pay the amount required under that subsection on or after November 1, 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.

September 27, 2021
Date Issued



Dawn Wickett
Member, Landlord and Tenant Board

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	December 1, 2020 to May 14, 2021	\$3,176.00
Less the amount the Tenant paid to the Landlords		-\$1,588.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	May 15, 2021 to September 27, 2021	\$7,100.56
Less the rent deposit:		-\$1,588.00
Less the interest owing on the rent deposit:	September 1, 2015 to May 14, 2021	-\$148.99
Amount owing to the Landlords on the order date: (total of previous boxes)		\$6,951.57
Additional costs the Tenant must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting September 28, 2021:		\$52.21 (per day)
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$7,137.57, + \$52.21 per day starting September 28, 2021

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

1. If the payment is made on or before September 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to September 30, 2021	\$12,704.00
Less the amount the Tenant paid to the Landlords:		-\$1,588.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before September 30, 2021	\$11,302.00

2. If the payment is made after September 30, 2021 but on or before October 31, 2021:

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to October 31, 2021	\$14,292.00
Less the amount the Tenant paid to the Landlords:		-\$1,588.00
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay to continue the tenancy:	On or before October 31, 2021	\$12,890.00