



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-11100-21

In the matter of: 442 RIVERTRAIL AVENUE
KITCHENER ON N2A0K2

Between: Nikitaben Kataria Landlords
Sukhjinder Kaur Sandhu

and

Joshua Derozario Tenants
Kazzi Rastagari

Nikitaben Kataria and Sukhjinder Kaur Sandhu (the 'Landlords') applied for an order to terminate the tenancy and evict Kazzi Rastagari and Joshua Derozario (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on September 9, 2021. Only the Landlord, Nikitaben Kataria, attended the hearing. As of 9:45 a.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from June 1, 2021 to September 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective June 30, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,600.00.
4. The Landlords collected a rent deposit of \$2,600.00 from the Tenants and this deposit is still being held by the Landlords.
5. The Tenants paid \$600.00 after the application was filed.
6. 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 Tenants void 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 October 19, 2021.
2. The Tenants shall pay to the Landlords \$10,547.58*, which represents the amount of rent owing and compensation up to October 8, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$85.48 per day for compensation for the use of the unit starting October 9, 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 October 19, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 20, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 19, 2021, then starting October 20, 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 October 20, 2021.
8. If, on or before October 19, 2021, the Tenants pay the amount of \$12,586.00** 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 October 20, 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.

October 8, 2021
Date Issued



Nicola Mulima

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 April 20, 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 140717 (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)	June 1, 2021 to June 30, 2021	\$5,200.00
Less the amount the Tenants paid to the Landlords		-\$600.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 1, 2021 to October 8, 2021	\$8,548.00
Less the rent deposit:		-\$2,600.00
Amount owing to the Landlords on the order date: (total of previous boxes)		\$10,547.58
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting October 9, 2021:		\$85.48 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$10,733.58, + \$85.48 per day starting October 9, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	June 1, 2021 to October 31, 2021	\$13,000.00
Less the amount the Tenants paid to the Landlords		-\$600.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 19, 2021	\$12,586.00