



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-22919-21

In the matter of: 74 RODMAN STREET
ST. CATHARINES ON L2R5E2

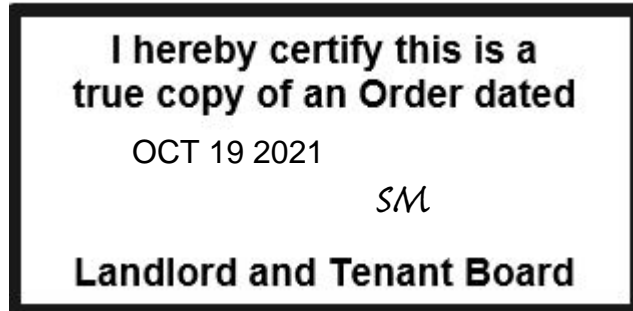
Between: Amit Fogat
Payal Fogat

Landlords

and

David Hudspith
Paige Boorman

Tenants



Amit Fogat and Payal Fogat (the 'Landlords') applied for an order to terminate the tenancy and evict Paige Boorman and David Hudspith (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The application was heard on October 5, 2021 via video conference. The Landlords, the Landlord's Legal Representative, Adam Hamdani, and the Tenants attended the hearing. The Tenants spoke with tenant duty counsel.

With the assistance of Dispute Resolution Officer Melinda Jamieson, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

At the hearing, the parties agreed:

- a. The Tenants have not paid the total rent they were required to pay for the period from April 1, 2021 to October 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective April 27, 2021.
- b. The Tenants are in possession of the rental unit.
- c. The monthly rent is \$1,650.00.
- d. The Tenants made no payments after the application was filed.
- e. As shown on the application, the Landlord charged \$0.00 rent for June 2021 per a N12 notice to terminate.
- f. On consent, the parties requested a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of November 1, 2021. The application is amended to include an L3 Application for termination of the tenancy. Consequently, the Tenants do not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.

- g. The Tenants agreed to pay to the Landlord \$7,596.15, which represents the arrears of rent (\$9,075.00) and costs (\$186.00) less the last month's rent deposit (\$1,650.00) less interest owing the last month's rent deposit (\$14.85).
- h. The Landlords and Tenants undertake to work out a payment plan of not more than \$700.00 per month toward the debt prior to enforcing the monetary judgement.

On consent of the parties, it is ordered that:

- 1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before November 1, 2021.
- 2. If the unit is not vacated on or before November 1, 2021, then starting November 2, 2021, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
- 3. 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 November 2, 2021.
- 4. The Tenants shall also pay to the Landlord \$54.24 per day for compensation for the use of the unit starting November 2, 2021 to the date they move out of the unit.
- 5. The Tenants shall pay to the Landlord \$7,596.15, which represents the arrears of rent (\$9,075.00) and costs (\$186.00) less the last month's rent deposit (\$1,650.00) less interest owing the last month's rent deposit (\$14.85).
- 6. If the Tenants do not pay the Landlord the full amount owing on or before November 1, 2021, then starting November 2, 2021, the Tenants will start to owe interest. This will be simple interest calculated from November 2, 2021 at 2.0% annually on the balance outstanding.



October 19, 2021

Date Issued

Melinda Jamieson

Dispute Resolution Officer, Landlord and Tenant Board

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

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 30, 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.