



**OCT 20, 2023**

**Order under Section 78(6)  
Residential Tenancies Act, 2006**

**Citation:** Khan v Crandell, 2023 ONLTB 68285

**Date:** 2023-10-20

**File Number:** LTB-L-076241-23

**In the matter of:** MAIN FLOOR, 2738 ST CLAIR AVE E  
Toronto ON M4B1M7

**Between:** Saif Khan, Adeel Khan and Taimoor Khan Landlords

**And**

Frank W Crandell and Charlene Crandell Tenants

Saif Khan, Adeel Khan and Taimoor Khan (the 'Landlords') applied for an order to terminate the tenancy and evict Frank W Crandell and Charlene Crandell (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on August 31, 2023 with respect to application LTB-L-002517-22.

This application was decided without a hearing being held.

**Determinations:**

1. The order provides that the Landlords can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. I find that the Tenants has not met the following condition specified in the order: The tenant failed to pay the full arrears of \$35,000 on or before August 31<sup>st</sup>, 2023.
3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenants to make payments by specific due dates. Accordingly, in addition to eviction, the Landlords is entitled to request an order for the payment of arrears owing.
4. The Tenants was required to pay \$35,000.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$35,000.00 and that amount is included in this order. This order replaces order LTB-L-002517-22.
5. Since the date of the previous order, the Tenants has failed to pay the full rent that became owing for the period from September 1, 2023 to September 30, 2023.

6. The Landlords collected a rent deposit of \$2,200.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenants for the period from November 26, 2020 to October 20, 2023.
8. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants is required to pay.
9. The Landlords is entitled to daily compensation from the day after this order is issued to the date the Tenants moves out of the unit at a daily rate of \$72.33. This amount is calculated as follows: \$2,200.00 x 12, divided by 365 days.

**It is ordered that:**

1. Order LTB-L-002517-22 is cancelled.
2. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 31, 2023.
3. If the unit is not vacated on or before October 31, 2023, then starting November 1, 2023, the Landlords may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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, 2023.
5. The Tenants shall pay to the Landlords \$36,370.62\* (**Less any payments made by the Tenants after this application was filed on September 27, 2023**). This amount represents the rent owing up to October 20, 2023 and the cost of filing the previous application, less the rent deposit and interest the Landlords owes on the rent deposit.
6. The Tenants shall also pay to the Landlords \$72.33 per day for compensation for the use of the unit starting October 21, 2023 to the date the Tenants moves out of the unit.
7. If the Tenants does not pay the Landlords the full amount owing on or before October 31, 2023, the Tenants will start to owe interest. This will be a simple interest calculated from November 1, 2023 at 7.00% annually on the balance outstanding.

**October 20, 2023**  
**Date Issued**

*Michael Di Salle*  
\_\_\_\_\_  
Michael Di Salle  
Member, Landlords and Tenants Board

15 Grosvenor Street, Ground Floor,  
Toronto ON M7A 2G6

The Tenants has until October 30, 2023 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants files the motion by October 30, 2023 the order will be stayed and the LTB will schedule a hearing.

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, 2024 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 the attached Summary of Calculations.

Summary of Calculation**Amount the Tenants must pay the Landlords:**

<b>Reason for amount owing</b>	<b>Period</b>	<b>Amount</b>
Amount owing from previous order	Up to August 31, 2023	\$35,000.00
New Arrears	September 1, 2023 to October 20, 2023	\$3,646.60
Less the rent deposit:		-\$2,200.00
Less the interest owing on the rent deposit	November 26, 2020 to October 20, 2023	-\$75.98
Plus daily compensation owing for each day of occupation starting October 21, 2023		\$72.33 (per day)
<b>Total the Tenants must pay the Landlords:</b>		<b>\$36,370.62 +\$72.33 per day starting October 21, 2023</b>