



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-21842-21

In the matter of: 201, 340 THE EAST MALL
ETOBICOKE ON M9B 3Z6

Between: IMH Pool V LP Landlord

and

Dylan Hernandez Tenants
Jesus Hernandez

IMH Pool V LP (the 'Landlord') applied for an order to terminate the tenancy and evict Jesus Hernandez and Dylan Hernandez (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 28, 2021. The Landlord's Legal Representative, Katherine Murrell attended the hearing. As of 3:24 p.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 March 1, 2021 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective May 5, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,675.99 as of July 23, 2019.
4. The Landlord collected a rent deposit of \$2,814.69 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from December 1, 2020 to August 1, 2021.
6. The Tenants paid \$8,440.95 after the application was filed.
7. The Landlord attempted to negotiate a repayment plan of the arrears. The Landlord requested a standard order. The Landlord stated it sent a letter by regular mail to the

Tenants on April 16, 2021 which included with two payment plan invitations to address the rent arrears. The Landlord stated there was no response from the Tenants. I find that the Landlord has fulfilled its duties to attempt resolution of the application during the COVID-19 pandemic pursuant to subsection 83(6) of the *Residential Tenancies Act, 2006* (the 'Act'). The Landlord requested a standard order.

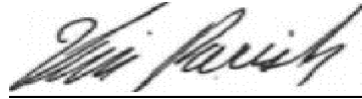
8. I have considered all the disclosed circumstances in accordance with subsection 83 of the Act and find that it would not be unfair to postpone the eviction until **September 30, 2021**, pursuant to subsection 83(1)(b) of the Act. The Tenants have paid a significant amount towards the arrears since the application was filed and as such there is small balancing owing on the arrears. I am therefore allowing the Tenants some more time during the COVID-19 pandemic to pay down the balance of the arrears.

It is ordered that:

1. Unless the Tenants void the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before September 30, 2021.
2. The Tenants shall pay to the Landlord \$407.79*, which represents the amount of rent owing and compensation up to September 1, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$87.98 per day for compensation for the use of the unit starting September 2, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before September 30, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 1, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 30, 2021, then starting October 1, 2021, the Landlord 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 Landlord, on or after October 1, 2021.
8. If, on or before September 30, 2021, the Tenants pay the amount of \$5,946.98** to the Landlord 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 Landlord 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 1, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenants are

only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

September 1, 2021
Date Issued



Kimberly Parish
Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6

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 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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2021 CanLII 129906 (ON LTB)

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

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2021 to August 1, 2021	\$8,937.93
Less the amount the Tenants paid to the Landlord		-\$8,440.95
Plus compensation:	August 2, 2021 to September 1, 2021	\$2,727.38
Less the rent deposit:		-\$2,814.69
Less the interest owing on the rent deposit:	December 1, 2020 to August 1, 2021	-\$1.88
Amount owing to the Landlord on the order date:(total of previous boxes)		\$407.79
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting September 2, 2021:		\$87.98 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$593.79, + \$87.98 per day starting September 2, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2021 to September 30, 2021	\$14,201.93
Less the amount the Tenants paid to the Landlord		-\$8,440.95
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before September 30, 2021	\$5,946.98