



Residential Tenancies Act, 2006

File Number: TSL-22994-21

In the matter of: 102, 291 SCARLETT ROAD
TORONTO ON M6N4L1

Between: Scarlett Holdings Inc Landlord

and

Hanadi Salhai Tenants
Surujdai Sandra Evans

Scarlett Holdings Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Hanadi Salhai and Surujdai Sandra Evans (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in video conference room 103 on September 8, 2021.

Only the Landlord's representative, D. Schofield, attended the hearing. The Tenants did not attend the proceedings for the duration of the hearing block.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from April 1, 2020 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective June 28, 2021.
2. The Landlord collected a rent deposit of \$1,960.00 from the Tenants and this deposit is still being held by the Landlord.
3. Interest on the rent deposit is owing to the Tenants for the period from June 6, 2019 to June 28, 2021.
4. The Landlord's representative personally tried to speak with the Tenants by telephone. The Landlord's representative left messages inviting the Tenants to discuss their circumstances to try to resolve their rent arrears. The Landlord's representative left messages on June 30, 2021, July 6, 2021 and July 12, 2021. The Tenants did not return the Landlord's representative's messages. The Landlord therefore filed the application with the Board on July 13, 2021.
5. I find that the Landlord, through its representative, tried to resolve with the Tenants the Tenants' rent arrears.

6. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenants did not attend the hearing to give evidence of their circumstances or to contest the Landlord's application for an eviction order.
7. The Landlord's rights in excess of the Board's \$35,000.00 monetary jurisdiction are extinguished, pursuant to subsection 207(3) of the Act. Although voiding this order is not mandatory, the authority to void it order arises under section 74 the Act. The active paragraphs in this order that describe how the Tenants may void the order, reflect the right under the Act to preserve a tenancy in certain circumstances. The paragraphs are therefore an essential element of this order to terminate the tenancy for non-payment of rent. I therefore find that the Act limits the amount of rent arrears the Tenants must pay to preserve the tenancy to \$35,000.00.

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 October 24, 2021.
2. The Tenants shall pay to the Landlord \$34,109.06*, which represents the amount of rent owing and compensation up to October 13, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$64.85 per day for compensation for the use of the unit starting October 14, 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 October 24, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 25, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 24, 2021, then starting October 25, 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 25, 2021.
8. If, on or before October 24, 2021, the Tenants pay the amount of \$35,186.00** 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 25, 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.



October 13, 2021
Date Issued

Harry Cho
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 25, 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 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)	April 1, 2020 to June 28, 2021	\$29,175.42
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 29, 2021 to October 13, 2021	\$6,938.95
Less the rent deposit:		-\$1,960.00
Less the interest owing on the rent deposit:	June 6, 2019 to June 28, 2021	-\$45.31
Amount owing to the Landlord on the order date: (total of previous boxes)		\$34,109.06
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 14, 2021:		\$64.85 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$34,295.06, + \$64.85 per day starting October 14, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2020 to October 31, 2021	\$37,221.98
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 24, 2021	\$35,186.00

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