



Order under Section 69 Residential Tenancies Act, 2006

Citation: Podium Holdings Ltd. v Miotto-Connell, 2024 ONLTB 1768

Date: 2024-01-08

File Number: LTB-L-041892-23

In the matter of: 2, 222 ONTARIO ST
ST CATHARINES ON L2R5L1

Between: Podium Holdings Ltd.

And

Eleanor Nadine Miotto-Connell

I hereby certify this is a
true copy of an Order dated
JAN 08, 2024
Landlord and Tenant Board

Landlord

Tenant

Podium Holdings Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Eleanor Nadine Miotto-Connell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes and because the Tenant has been persistently late in paying the Tenant's rent

This application was heard by videoconference on December 21, 2023.

The Landlord's legal representative, A.S. Kassam, the Landlord's agents, Tami and Kirk Gillespie, and the Tenant attended the hearing. The Tenant met with Duty Counsel before the hearing.

At the hearing, the parties engaged in mediation. As a result of the resolution discussion, the parties mutually agreed to resolve all matters at issue in the application and requested an order on consent.

The parties agreed that:

1. As of the hearing date, the Tenant was still in possession of the rental unit.
2. The tenancy shall terminate in a final way and without voiding provisions as of January 31, 2024.
3. The lawful rent is \$1,537.50. It is due on the 1st day of each month.
4. The Tenant has not made any payments since the application was filed.
5. The rent arrears owing to December 31, 2023 are \$13,725.00.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord collected a rent deposit of \$1,537.50 from the Tenant, which shall be applied to the monthly rent owing for January 2024, the last rental period of the tenancy.
8. There is no interest owing on the rent deposit.

9. If the Tenant does not vacate the rental unit by January 31, 2024, the Tenant will owe the Landlord daily compensation. Based on the monthly rent, the daily rent/compensation is \$50.55. This amount is calculated as follows: $\$1,537.50 \times 12$, divided by 365 days.

I was satisfied that the parties understood the terms and consequences of their consent.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of January 31, 2024. The Tenant must move out of the rental unit on or before January 31, 2024
2. The Tenant shall pay to the Landlord \$13,911.00. This amount includes rent arrears owing up to December 31, 2023 and the cost of filing the application.
3. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006* (the RTA), the last month's rent deposit of \$1,537.50 shall be applied to the rent owing for the month of January 2024, which is the last month of tenancy.
4. If the unit is not vacated on or before January 31, 2024, the Tenant shall also pay the Landlord compensation of \$50.55 per day for the use of the unit starting February 1, 2024 until the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlord the full amount owing on or before January 31, 2024, the Tenant will start to owe interest. This will be simple interest calculated from February 1, 2024 at 7.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 31, 2024, then starting February 1, 2024, 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 February 1, 2024.

January 8, 2024
Date Issued



Nancy Fahlgren
Hearings Officer, Landlord and Tenant Board

15 Grosvenor Street, Ground 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 August 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.