



Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** TSL-19101-20

**In the matter of:** 2, 20 LOUISA STREET  
ETOBICOKE ON M8V2K6

**Between:** Djordje Kovacic Landlord

**and**

Elli Kilmartin Tenants  
Manny Virgino Teixeira

Djordje Kovacic (the 'Landlord') applied for an order to terminate the tenancy and evict Manny Virgino Teixeira and Elli Kilmartin (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard via videoconference on June 23, 2021 at 9:00 a.m.

The Landlord, represented by Radoslav Nikolov, a lawyer, and the Tenants, Elli Kilmartin and Manny Virgino Teixeira, attended the hearing.

**Determinations:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from October 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective November 30, 2020.
2. The Tenants were in possession of the rental unit when the application was filed.
3. The monthly rent is \$905.00
4. The Landlord collected a rent deposit of \$800.00 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 January 1, 2009 to November 30, 2020.
6. As of the hearing date, the Tenant owed the Landlord, \$7,331.00 including arrears of rent to June 30, 2021 (\$7,145.00) and the application fee of \$186.00. Since the hearing,

another two rental periods have begun, and two more month's rent have become due. Therefore, the amount in this order includes July 2021 and August 2021's rent. If the Tenant has paid the Landlord July 2021 and August 2021's rent, and /or made any payments to the Landlord since the hearing, the Landlord shall deduct those payments from the amount owing in this order.

7. 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. Both the Tenants attended the hearing, however no compelling evidence and or circumstances was submitted at the hearing or was present in the file in support of granting relief from eviction. Furthermore, the Tenants have not made any payments to the Landlord since the application was filed.

**It is ordered that:**

1. Unless the Tenant voids 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 August 20, 2021.
2. The Tenants shall pay to the Landlord \$8,238.13\*, which represents the amount of rent owing and compensation up to August 9, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$29.75 per day for compensation for the use of the unit starting August 10, 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 August 20, 2021, the Tenants will start to owe interest. This will be simple interest calculated from August 21, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 20, 2021, then starting August 21, 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 August 21, 2021.
8. If, on or before August 20, 2021, the Tenants pay the amount of \$10,046.00\*\* 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 August 21, 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.

**August 9, 2021**  
**Date Issued**



Peter Pavlovic  
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 February 21, 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 122077 (ON LTB)

**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)	October 1, 2020 to November 30, 2020	\$1,715.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	December 1, 2020 to August 9, 2021	\$7,497.00
Less the rent deposit:		-\$800.00
Less the interest owing on the rent deposit:	January 1, 2009 to November 30, 2020	-\$173.87
Amount owing to the Landlord on the order date: (total of previous boxes)		<b>\$8,238.13</b>
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting August 10, 2021:		\$29.75 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$8,424.13, + \$29.75 per day starting August 10, 2021</b>

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

Reasons for amount owing	Period	Amount
Arrears:	October 1, 2020 to August 31, 2021	\$9,860.00
Additional costs the Tenants must pay to the Landlord:		\$186.00
<b>Total the Tenants must pay to continue the tenancy:</b>	On or before August 20, 2021	<b>\$10,046.00</b>