



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

Citation: Almaloul v Nelson, 2023 ONLTB 75404

Date: 2023-11-29

File Number: LTB-L-039935-23

In the matter of: 95 VIA CASSIA DRIVE
TORONTO ON M6M 5L2

Between: Ziad Almaloul

And

Chrissy Nelson and Taj Polius

I hereby certify this is a
true copy of an Order dated
Nov 29, 2023

Landlord and Tenant Board

Landlord

Tenants

Ziad Almaloul (the 'Landlord') applied for an order to terminate the tenancy and evict Chrissy Nelson and Taj Polius (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The parties attended a Hearing scheduled on November 7, 2023 by videoconference where the parties agreed to participate in Board facilitated mediation with the assistance of Dispute Resolution Officer (DRO) Denise Hannivan.

The Landlord, the Landlord's Support Person Julia Peters, the Landlord's Representative Ashley Friel, and Tenant Chrissy Nelson participated in mediation.

As a result of the mediation, the parties requested an order on consent to resolve all matters raised in the application, and I am satisfied that the parties understand the consequences of their consent.

Agreed Facts:

- 1) This tenancy will terminate in a full and final way on December 31, 2023.
- 2) The lawful rent is \$3,700.00. It is due on the 20th day of each month.
- 3) Based on the Monthly rent, the daily rent/compensation is \$121.64. This amount is calculated as follows: \$3,700.00 x 12 months, divided by 365 days.
- 4) The Tenant owes \$9,338.00 representing both rent arrears owing to November 19, 2023 and the application filing fee.
- 5) The Landlord collected a rent deposit of \$3,700.00 from the Tenant and this deposit is still being held by the Landlord. The rent deposit will be applied to the last rental period of the tenancy, namely November 20 to December 19, 2023.
- 6) Interest on the rent deposit in the amount of \$82.47 is owing to the Tenant for the period from December 27, 2022 to November 19, 2023.

- 7) If the Tenants vacate the unit on or before December 31, 2023, the Landlord will waive all amounts owed by the Tenants and will not request payment of \$1,459.68 for rent (12 days x \$121.64 per diem) from December 20 to 31, 2023.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated in a full and final way. The Tenants shall vacate the rental unit on or before December 31, 2023.
2. If the Tenants vacate the unit by December 31, 2023, all amounts owing by the Tenants shall be waived.
3. If the Tenants do not vacate the unit by December 31, 2023, the Tenants shall pay to the Landlord \$10,901.21 by January 1, 2024. This amount includes rent arrears owing up to the date of the hearing, the cost of filing the application, and the per diem rent for December 20 to 31, 2023. The rent deposit interest the Landlord owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
4. If the unit is not vacated on or before December 31, 2023, then starting January 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
5. 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 January 1, 2024.
6. If the Tenants do not vacate the unit on or before December 31, 2023, then the Tenants shall also pay the Landlord compensation of \$121.64 per day for the use of the unit starting January 1, 2024 until the date the Tenants move out of the unit.
7. If the Tenants do not vacate the rental unit on or before December 31, 2023 and consequently do not pay the Landlord the full amount owing in paragraph 2 on or before January 1, 2024, the Tenants will start to owe interest. This will be simple interest calculated from January 1, 2024 at 7.00% annually on the balance outstanding.

November 29, 2023

Date Issued

Denise Hannivan

Hearing 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 July 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

Amount the Tenant must pay if the Tenancy Does Not Vacate by December 31, 2023

Rent Owing To Hearing Date (November 7, 2023)	\$9,338.00
Rent Owing for December 20 to 31, 2023 (12 days x \$121.64 per diem)	\$1,459.68
Application Filing Fee	\$186.00
Less the amount of the interest on the last month's rent deposit	- \$82.47
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$10,901.21
Plus daily compensation owing for each day of occupation starting January 1, 2024	\$121.64 (per day)