



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

**File Number:** SWL-51185-21

**In the matter of:** 303, 545 BELMONT AVENUE W  
KITCHENER ON N2M5G7

**Between:** Greenwin Inc. Landlord  
  
**and**  
  
Abdalla Mana Tenants  
Marian Abdalla

Greenwin Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Abdalla Mana and Marian Abdalla (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard via video conference on August 12, 2021. Only the Landlord's legal representative, John Edlund attended the hearing.

At 11:38 a.m. the Tenants were not present or represented at the hearing.

**Determinations:**

1. The Landlord's application was amended to remove the arrears of rent for the period of March 1, 2021 to March 31, 2021 as the arrears were not reflected on the Form N4 Notice of Termination. The Landlord waives the balance owing of \$70.61 for the rent for March 2021.
2. The Tenants have not paid the total rent the Tenants were required to pay for the period from April 1, 2021 to August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective April 27, 2021.
3. The Tenants are in possession of the unit.
4. The monthly rent is \$1,295.27.
5. The Tenants paid \$4,300.52 after the application was filed.
6. The Landlord collected a rent deposit of \$1,295.27 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2021 to April 27, 2021.
8. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the

parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenants, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**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 4, 2021.
2. The Tenants shall pay to the Landlord \$1,232.86\*, which represents the amount of rent owing and compensation up to September 23, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$42.58 per day for compensation for the use of the unit starting September 24, 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 4, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 5, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 4, 2021, then starting October 5, 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 5, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
  - i) \$2,991.97 if the payment is made on or before September 30, 2021, or
  - ii) \$4,287.24 if the payment is made on or before October 4, 2021\*\*.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then 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 5, 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 23, 2021**  
**Date Issued**



**Debbie Mosaheb**  
Member, Landlord and Tenant Board

South West-RO  
150 Dufferin Avenue, Suite 400, 4th Floor  
London ON N6A5N6

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 5, 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 127387 (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)	April 1, 2021 to April 27, 2021	\$484.64
Less the amount the Tenants paid to the Landlord		-\$4,300.52
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 28, 2021 to September 23, 2021	\$6,344.42
Less the rent deposit:		-\$1,295.27
Less the interest owing on the rent deposit:	January 1, 2021 to April 27, 2021	-\$0.41
Amount owing to the Landlord on the order date:(total of previous boxes)		<b>\$1,232.86</b>
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting September 24, 2021:		\$42.58 (per day)
<b>Total the Tenants must pay the Landlord if the tenancy is terminated:</b>		<b>\$1,418.86, + \$42.58 per day starting September 24, 2021</b>

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

**1. If the payment is made on or before September 30, 2021:**

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2021 to September 30, 2021	\$7,106.49
Less the amount the Tenants paid to the Landlord:		-\$4,300.52
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 September 30, 2021	<b>\$2,991.97</b>

2. If the payment is made after September 30, 2021 but on or before October 4, 2021:

Reasons for amount owing	Period	Amount
Arrears:	April 1, 2021 to October 31, 2021	\$8,401.76
Less the amount the Tenants paid to the Landlord:		-\$4,300.52
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 October 4, 2021	<b>\$4,287.24</b>