



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-23025-21

In the matter of: 2709, 85 THORNCLIFFE PARK DRIVE
TORONTO ON M4H1L6

Between: Morguard Corporation Landlord

and

Berlin Abdulkadir Mohamed Tenants
Soraya Abdulkadir Mohamed
Stacy Ann Jackson

Morguard Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Berlin Abdulkadir Mohamed, Soraya Abdulkadir Mohamed and Stacy Ann Jackson (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, M. Zarnett, attended when the hearing was called at 2:34PM. The Tenants did not attend the proceedings for the remainder of the hearing block.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from November 1, 2020 to September 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective June 29, 2021.
2. The Landlord collected a rent deposit of \$1,808.38 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 January 1, 2021 to June 29, 2021.
4. The Tenants paid \$3,000.00 after the application was filed.
5. The Landlord sent the Tenants a letter dated August 23, 2021 with a proposed payment plan to resolve the Tenants' rent arrears. The Tenants did not respond to the letter.
6. I find that the Landlord has tried to resolve with the Tenants their rent arrears.

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. The Tenants did not attend the hearing to give evidence of their circumstances, or to contest the Landlord's application for an eviction order.

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 October 24, 2021.
2. The Tenants shall pay to the Landlord \$3,717.59*, 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 \$59.45 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 \$6,728.92** 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.



Harry Cho
Member, Landlord and Tenant Board

October 13, 2021
Date Issued

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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2021 CanLII 140695 (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)	November 1, 2020 to June 29, 2021	\$2,225.17
Less the amount the Tenants paid to the Landlord		-\$3,000.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 30, 2021 to October 13, 2021	\$6,301.70
Less the rent deposit:		-\$1,808.38
Less the interest owing on the rent deposit:	January 1, 2021 to June 29, 2021	-\$0.90
Amount owing to the Landlord on the order date: (total of previous boxes)		\$3,717.59
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting October 14, 2021:		\$59.45 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$3,903.59, + \$59.45 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:	November 1, 2020 to October 31, 2021	\$9,542.92
Less the amount the Tenants paid to the Landlord		-\$3,000.00
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	\$6,728.92