



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-98023-21

In the matter of: 963, 963 LAKESHORE ROAD WEST
MISSISSAUGA ON L5H1H8

Between: Manglesh Niranjani Landlords
Amarendra Sabat

and

Melissa Charlton Tenants
Terrance Devellano

and Manglesh Niranjani and Amarendra Sabat (the 'Landlords') applied for an order to terminate the tenancy and evict Terrance Devellano and Melissa Charlton (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard in Passcode: 698 7565 6669# on June 28, 2021. The Landlord Amarendra Sabat and the Tenant Terrance Devellano, who met with Duty Counsel, attended the hearing.

Preliminary Matters:

The Tenants submitted photographs they wanted the Board to consider under section 82 of the *Residential Tenancies Act*. These included a photo of a mouse trap with no mice in it, a washing machine that had not been removed by the Landlord, a photo of the condition of the front door, and an area of the corner of the basement that may be damp. The Tenant also spoke to a leak from the dishwasher. The Tenants were seeking a 100% abatement of rent.

As the proceeding continued it became clear the Tenant was not prepared to properly present his concerns about the tenancy. Approximately one hour into the proceedings the Tenant requested an adjournment because he was not prepared. Considering the amount of money the Tenants owe the Landlord which was eight months at the time of the hearing and is not in dispute, and the fact the Tenant was provided ample time to present his issues at the hearing, the request to adjourn was denied.

The Tenant was advised that he could withdraw his submissions under section 82 and instead file an application. The Tenant chose to withdraw his submissions under section 82 and file an application with the Board.

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 Landlords served a Notice of Termination effective October 31, 2020.
2. The Landlords collected a rent deposit of \$1,800.00 from the Tenants and this deposit is still being held by the Landlords.
3. Interest on the rent deposit is owing to the Tenants for the period from September 1, 2017 to October 31, 2020.
4. Having heard the submissions from the Tenant regarding the potential breaches of the Landlords' obligations, I find the Landlords are not in serious breach of these obligations.
5. 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.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 16, 2021.
2. The Tenants shall pay to the Landlords \$16,306.31*, which represents the amount of rent owing and compensation up to July 5, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$59.18 per day for compensation for the use of the unit starting July 6, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlords the full amount owing* on or before July 16, 2021, the Tenants will start to owe interest. This will be simple interest calculated from July 17, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 16, 2021, then starting July 17, 2021, the Landlords 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 Landlords, on or after July 17, 2021.
8. If, on or before July 16, 2021, the Tenants pay the amount of \$18,186.00** to the Landlords 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 Landlords 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 July 17, 2021 but before the Sheriff gives vacant possession to the Landlords. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlords.



Greg Joy
Member, Landlord and Tenant Board

July 5, 2021
Date Issued

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5

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 January 17, 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**

File Number: **CEL-98023-21**

2021 CanLII 103019 (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 October 31, 2020	\$3,600.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	November 1, 2020 to July 5, 2021	\$14,617.46
Less the rent deposit:		-\$1,800.00
Less the interest owing on the rent deposit:	September 1, 2017 to October 31, 2020	-\$111.15
Amount owing to the Landlords on the order date: (total of previous boxes)		\$16,306.31
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting July 6, 2021:		\$59.18 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$16,492.31, + \$59.18 per day starting July 6, 2021

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 July 31, 2021	\$18,000.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before July 16, 2021	\$18,186.00