



Order under Section 69
Residential Tenancies Act, 2006

File Number: EAL-95871-21

In the matter of: 909, 2025 OTHELLO AVENUE
OTTAWA ON K1G3R4

Between: Osgoode Properties Landlord

and

Abshir Barre Tenants
Deeqa Ahmed
Mohamed Hussein

Osgoode Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Abshir Barre, Mohamed Hussein and Deeqa Ahmed (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on August 10, 2021. The Landlord's Legal Representative, D. Dames, attended the hearing on behalf of the Landlord. As of 11:38 a.m., the Tenants were not present or represented at the hearing, although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from March 1, 2021 to August 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective April 26, 2021.
2. The Tenants are in possession of the rental unit.
3. The current monthly rent is \$1,497.23.
4. The Landlord collected a rent deposit of \$1,497.23 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenants for the period from June 1, 2020 to April 26, 2021.
5. As of the date of the hearing, the Tenants had not made any payments to the Landlord after the application was filed.

6. The Landlord sent written correspondence to the Tenants dated January 6, February 4, March 4, May 5, and July 28, 2021, in attempts to resolve this application through an agreement. However, no agreement has been reached between the parties.
7. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord attempted to negotiate a payment agreement with the Tenants, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The arrears of rent are significant and growing, and it would not be reasonable to postpone this eviction any further.

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 November 29, 2021.
2. The Tenants shall pay to the Landlord \$11,417.79*, which represents the amount of rent owing and compensation up to November 18, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. Any payments made by the Tenants since the date of the hearing shall be deducted from the overall outstanding amount.
4. The Tenants shall also pay to the Landlord \$49.22 per day for compensation for the use of the unit starting November 19, 2021 to the date the Tenants move out of the unit.
5. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
6. If the Tenants do not pay the Landlord the full amount owing* on or before November 29, 2021, the Tenants will start to owe interest. This will be simple interest calculated from November 30, 2021 at 2.00% annually on the balance outstanding.
7. If the unit is not vacated on or before November 29, 2021, then starting November 30, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 November 30, 2021.
9. If, on or before November 29, 2021, the Tenants pay the amount of \$13,661.07** 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.
10. 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

November 30, 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.

November 18, 2021
Date Issued



Arnab Quadry
Member, Landlord and Tenant Board

Eastern-RO
255 Albert Street, 4th Floor
Ottawa ON K1P6A9

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 May 30, 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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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)	March 1, 2021 to April 26, 2021	\$2,777.05
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	April 27, 2021 to November 18, 2021	\$10,139.32
Less the rent deposit:		-\$1,497.23
Less the interest owing on the rent deposit:	June 1, 2020 to April 26, 2021	-\$1.35
Amount owing to the Landlord on the order date:(total of previous boxes)		\$11,417.79
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting November 19, 2021:		\$49.22 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$11,603.79, + \$49.22 per day starting November 19, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	March 1, 2021 to November 30, 2021	\$13,475.07
Additional costs the Tenants must pay to the Landlord:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before November 29, 2021	\$13,661.07

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