



Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-33004-21

In the matter of: 7 HESKETH COURT
NORTH YORK ON M4A1M5

Between: Jiang Liu Landlords
Qun Lu

and

Achim Hercules Dumitru Tenants
Aisha Dumitru
Crainoveanca Velcu
Marian Dumitru

Jiang Liu and Qun Lu (the 'Landlords') applied for an order to terminate the tenancy and evict Aisha Dumitru, Marian Dumitru, Crainoveanca Velcu and Achim Hercules Dumitru (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on September 3, 2021. One of the Landlords, Qun Lu, and the Landlords' Legal Representative, Tigran Sandukhchyan, attended the hearing. As of 10:25 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 April 5, 2021 to September 4, 2021. Because of the arrears, the Landlords served a Notice of Termination effective June 3, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,800.00.
4. The Tenants have made no payments since the application was filed.
5. The Landlords collected a rent deposit of \$2,800.00 from the Tenants and this deposit is still being held by the Landlords.
6. Interest on the rent deposit is owing to the Tenants for the period from December 4, 2019 to June 3, 2021.

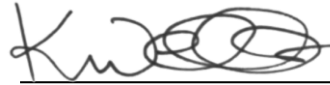
7. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenants, and find that the Landlord did attempt to negotiate repayment of the arrears of rent. In making this finding I considered the Landlord's Legal Representative's submissions that the Landlord reached out to the Tenants by text on multiple occasions to discuss a payment plan for the arrears. As the Tenants did not attend and no other circumstances were presented to me, I 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 Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 15, 2021.
2. The Tenants shall pay to the Landlords \$14,020.60*, which represents the amount of rent owing and compensation up to October 4, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords \$92.05 per day for compensation for the use of the unit starting October 5, 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 October 15, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 16, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 15, 2021, then starting October 16, 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 October 16, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlords or to the Board in trust:
 - i) \$19,786.00 if the payment is made on or before October 4, 2021, or
 - ii) \$22,586.00 if the payment is made on or before October 15, 2021**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then 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 October 16, 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.

October 4, 2021
Date Issued



Kathleen Wells
Member, Landlord and Tenant Board

Toronto North-RO
47 Sheppard Avenue East, Suite 700, 7th Floor
Toronto ON M2N5X5

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 16, 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: TNL-33004-21

2021 CanLII 135765 (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 5, 2021 to June 3, 2021	\$5,561.64
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 4, 2021 to October 4, 2021	\$11,322.15
Less the rent deposit:		-\$2,800.00
Less the interest owing on the rent deposit:	December 4, 2019 to June 3, 2021	-\$63.19
Amount owing to the Landlords on the order date:(total of previous boxes)		\$14,020.60
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting October 5, 2021:		\$92.05 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$14,206.60, + \$92.05 per day starting October 5, 2021

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

1. If the payment is made on or before October 4, 2021:

Reasons for amount owing	Period	Amount
Arrears:	April 5, 2021 to October 4, 2021	\$19,600.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:		\$19,786.00

2. If the payment is made after October 4, 2021 but on or before October 15, 2021:

Reasons for amount owing	Period	Amount
Arrears:	April 5, 2021 to November 4, 2021	\$22,400.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before October 15, 2021	\$22,586.00