



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

**Citation:** Kumapayi v Boyd, 2023 ONLTB 19265

**Date:** 2023-02-09

**File Number:** LTB-L-033659-22

**In the matter of:** 906, 80 ESTHER LORRIE DR  
ETOBICOKE ON M9W0C6

**Between:** Abiola Adeola Kumapayi Landlord

**And**

Hyde Philip Tenants  
Kyle Boyd

Abiola Adeola Kumapayi (the 'Landlord') applied for an order to terminate the tenancy and evict Hyde Philip and Kyle Boyd (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 31, 2023.

The Landlord and the second-named Tenant attended the hearing.

**Determinations:**

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$2,350.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$77.26. This amount is calculated as follows: \$2,350.00 x 12, divided by 365 days.
5. The Tenants have paid \$2,700.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023, are \$21,177.66.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$2,350.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$68.76 is owing to the Tenants for the period from May 25, 2021 to January 31, 2023.
10. The Tenant testified that he was recently unemployed and was also grieving the loss of his father. The Tenant asked for an extension on the termination of the tenancy. Thirty days from the issue of the order was proposed. The Landlord did not oppose this request.
11. 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 not be unfair to postpone the eviction until March 5, 2023 pursuant to subsection 83(1)(b) of the Act.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - \$23,713.66 if the payment is made on or before February 28, 2023. See Schedule 1 for the calculation of the amount owing.
- OR**
- \$26,063.66 if the payment is made on or before March 5, 2023. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after March 5, 2023, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before March 5, 2023**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$18,944.90. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$77.26 per day for the use of the unit starting February 1, 2023, until the date the Tenant moves out of the unit.

7. If the Tenants do not pay the Landlord the full amount owing on or before March 5, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 6, 2023, at 5.00% annually on the balance outstanding.
8. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
9. If the unit is not vacated on or before March 5, 2023, then starting March 6, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 March 6, 2023.

**February 9, 2023**

**Date Issued**

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Robert Brown

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground 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 September 6, 2023 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.

**Schedule 1**  
**SUMMARY OF CALCULATIONS**

**A. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before February 28, 2023**

Rent Owing To February 28, 2023	\$26,227.66
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$2,700.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$23,713.66</b>

**B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before March 5, 2023**

Rent Owing To March 31, 2023	\$28,577.66
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$2,700.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$26,063.66</b>

**C. Amount the Tenant must pay if the tenancy is terminated**

Rent Owing To Hearing Date	\$23,877.66
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$2,700.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,350.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$68.76
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$18,944.90</b>
Plus daily compensation owing for each day of occupation starting February 1, 2023	\$77.26 (per day)