



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-00624-21

In the matter of: 0113, 1560 BLOOR ST
MISSISSAUGA ON L4X1R8

Between: Capreit Limited Partnership Landlord

and

Jeffrey Persaud Tenants
Tana Adams

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Jeffrey Persaud and Tana Adams (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on July 26, 2021. The Landlord's Legal Representative, Gabriela Quaresma attended the hearing. As of 3:39 p.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 July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective April 22, 2021.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent is \$2,270.00.
4. The Landlord collected a rent deposit of \$2,270.00 from the Tenants and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenants for the period from December 29, 2020 to April 22, 2021.
6. The Tenant made no payments after the application was filed.
7. The arrears and costs owing to July 31, 2021 total \$11,466.00.
8. The Landlord seeks a conditional order whereby the Tenants will pay half the arrears on August 30 2021 and the remaining half on September 30, 2021 as discussed with the Tenants.

9. 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 grant relief from eviction subject to the condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The Tenants shall pay to the Landlord \$11,466.00, which represents the arrears of rent (\$11,280.00) and costs (\$186.00) outstanding for the period ending July 31, 2021.
2. The Landlord's application for eviction of the Tenants is denied on the condition that:
 - (a) The Tenants shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:

Date Payment Due	Amount of Payment
August 30, 2021	\$5,733.00 (costs and arrears)
September 30, 2021	\$5,733.00 (arrears)

- (b) The Tenants shall also pay the Landlord the rent for the months of **August 2021** up to and including **September 2021** in full, on or before the first day of each corresponding month.
3. If the Tenants fail to make any of the payments in accordance with paragraph 2, and by the dates required, then:
 - (a) The Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.
 - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.



 Sonia Anwar-Ali
 Member, Landlord and Tenant Board

August 16, 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.