



Landlord
and
Tenant
Board

IMPORTANT INFORMATION

From the Landlord and Tenant Board

July 22, 2013

Andrew Mcdermott
4106-1 KING STREET WE
TORONTO ON M5H1A1

File Number: TSL-42939-13

Re: **4106, 1 KING, TORONTO ON M5H1A1**

Dear Andrew Mcdermott,

Your landlord has filed an application with the Landlord and Tenant Board **to end your tenancy and evict you.**

A hearing has been scheduled for: August 7, 2013

Your landlord must give you a copy of the Application and the Notice of Hearing before the hearing. If you do not receive these documents you should contact your landlord.

Please read the enclosed information sheet **Important Information about your Hearing** so that you are prepared to participate in the hearing.

If you have any questions or if you do not receive the documents from your landlord, you should call the Landlord and Tenant Board at 416-645-8080 or 1-888-332-3234.

Attached is a list of legal clinics that provide services to eligible tenants in the province of Ontario. This service is separate from the Landlord and Tenant Board and is funded by Legal Aid Ontario. If you have any questions about this list or about the assistance they can provide, please contact the clinic closest to you.

If you live in Toronto and your landlord is applying to evict you, you can also call CERA at 416-944-0087 extension 27. CERA is a non-profit organization that is separate from the Board. It provides free information and advice to tenants.

Yours truly,

The Landlord and Tenant Board

Français au verso

Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-42939-13

In the matter of: 4106, 1 KING STREET WE
TORONTO ON M5H1A1

Between: Asif Shafi

I hereby certify this is a true copy of the Order
(Name of Document)

Landlord

and

(Signature of Staff Member)

Andrew Mcdermott

AUG 08 2013

Tenant

Landlord and Tenant Board

Asif Shafi (the 'Landlord') applied for an order to terminate the tenancy and evict Andrew Mcdermott (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (L1). The Landlord also applied for an order to terminate the tenancy and evict the Tenant because the Tenant entered into an agreement to terminate the tenancy (L3).

This application was heard in Toronto on August 7, 2013. Only the Landlord attended the hearing.

Determinations:

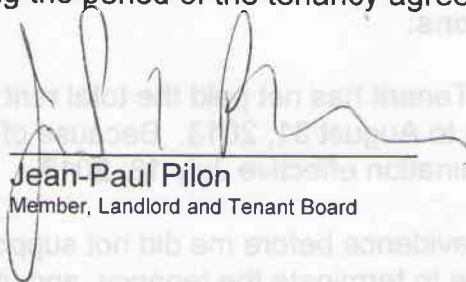
1. The Tenant has not paid the total rent he was required to pay for the period from June 1, 2013 to August 31, 2013. Because of the arrears, the Landlord served a Notice of Termination effective July 18, 2013.
2. The evidence before me did not support the Landlord's position that the Tenant gave notice to terminate the tenancy, and, if the Tenant did give notice, such notice was not compliant with the *Residential Tenancies Act, 2006* (the 'Act').
3. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of 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 Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before August 19, 2013.
2. The Tenant shall pay to the Landlord \$3,423.39*, which represents the amount of rent owing and compensation up to August 8, 2013.

3. The Tenant shall also pay to the Landlord \$49.32 per day for compensation for the use of the unit starting August 9, 2013 to the date he moves out of the unit.
4. The Tenant shall also pay to the Landlord \$170.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing* on or before August 19, 2013, the Tenant will start to owe interest. This will be simple interest calculated from August 20, 2013 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before August 19, 2013, then starting August 20, 2013, the Landlord 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 Landlord, on or after August 20, 2013.
8. If, on or before August 19, 2013, the Tenant pays the amount of \$4,670.00** 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 Tenant 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.
9. The Tenant 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 August 20, 2013 but before the Sheriff gives vacant possession to the Landlord. The Tenant is only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

August 8, 2013
Date Issued



Jean-Paul Pilon
Member, Landlord and Tenant Board

Toronto South-RO
79 St. Clair Avenue East, Suite 212, 2nd Floor
Toronto ON M4T1M6

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 February 20, 2014 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: TSL-42939-13

A. Amount the Tenant must pay if the tenancy is terminated:

Reasons for amount owing	Period	Amount
Arrears: (up to the termination date in the Notice of Termination)	June 1, 2013 to July 18, 2013	\$2,387.67
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	July 19, 2013 to August 8, 2013	\$1,035.72
Amount owing to the Landlord on the order date: (total of previous boxes)		\$3,423.39
Additional costs the Tenant must pay to the Landlord:		\$170.00
Plus daily compensation owing for each day of occupation starting August 9, 2013:		\$49.32 (per day)
Total the Tenant must pay the Landlord if the tenancy is terminated:		\$3,593.39, + \$49.32 per day starting August 9, 2013

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

Reasons for amount owing	Period	Amount
Arrears:	June 1, 2013 to August 31, 2013	\$4,500.00
Additional costs the Tenant must pay to the Landlord:		\$170.00
Total the Tenant must pay to continue the tenancy:	On or before August 19, 2013	\$4,670.00