



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-52259-21

In the matter of: 201, 626 FIRST STREET
LONDON ON N5V2A2

Between: Raza Khan
RK Management Corp.

Landlords

and

Jerome Marshall
Shardah Nicholas

Tenants

Raza Khan and RK Management Corp. (the 'Landlords') applied for an order to terminate the tenancy and evict Jerome Marshall and Shardah Nicholas (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by video conference on November 25, 2021. The Landlords' Legal Representative, Thomas Schoenleber, and the Tenant, Shardah Nicholas, attended the hearing.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from December 1, 2020 to November 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective June 16, 2021.
2. The Tenants are still in possession of the rental unit.
3. The lawful monthly rent is \$1,550.00.
4. The Tenants paid \$3,050.00 after the application was filed.
5. The Landlords collected a rent deposit of \$900.00 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 November 1, 2020 to December 31, 2020.
7. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlords attempted to negotiate a repayment agreement with the Tenants, 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 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 December 12, 2021.
2. The Tenants shall pay to the Landlords **\$14,723.31***, which represents the amount of rent owing and compensation up to December 1, 2021, less the rent deposit and interest the Landlords owe on the rent deposit.
3. The Tenants shall also pay to the Landlords **\$50.96** per day for compensation for the use of the unit starting December 2, 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 December 12, 2021, the Tenants will start to owe interest. This will be simple interest calculated from December 13, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before December 12, 2021, then starting December 13, 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 December 13, 2021.
8. If, on or before December 12, 2021, the Tenants pay the amount of **\$17,286.00**** to the Landlords 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 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 December 13, 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.

December 1, 2021

Date Issued

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

Michael Di Salle

Michael Di Salle
Member, Landlord and Tenant Board

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 June 13, 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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2021 CanLII 148396 (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)	December 1, 2020 to June 16, 2021	\$10,115.34
Less the amount the Tenants paid to the Landlords:		-\$3,050.00
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	June 17, 2021 to December 1, 2021	\$8,561.28
Less the rent deposit:		-\$900.00
Less the interest owing on the rent deposit:	November 1, 2020 to December 31, 2020	-\$3.31
Amount owing to the Landlords on the order date:(total of previous boxes)		\$14,723.31
Additional costs the Tenants must pay to the Landlords:		\$186.00
Plus daily compensation owing for each day of occupation starting December 2, 2021:		\$50.96 (per day)
Total the Tenants must pay the Landlords if the tenancy is terminated:		\$14,909.31, + \$50.96 per day starting December 2, 2021

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

Reasons for amount owing	Period	Amount
Arrears:	December 1, 2020 to December 31, 2021	\$20,150.00
Less the amount the Tenants paid to the Landlords:		-\$3,050.00
Additional costs the Tenants must pay to the Landlords:		\$186.00
Total the Tenants must pay to continue the tenancy:	On or before December 12, 2021	\$17,286.00