



Order under Section 69
Residential Tenancies Act, 2006

File Number: CEL-95864-20

In the matter of: 412 EVERTON DRIVE
MISSISSAUGA ON L5R1W5

Between: Navita Singh Landlords
Surinder Vir Singh

and

Ynas Alhabbal Tenant

Navita Singh and Surinder Vir Singh (the 'Landlords') applied for an order to terminate the tenancy and evict Ynas Alhabbal (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on July 20, 2021.

The Landlords, the Landlord's legal representative, Timothy Pusztai and the Tenant's legal representative, Stuart Reddington attended the hearing.

This application was originally scheduled for March 8, 2021. The Tenant requested an adjournment to accommodate their legal representative who was not available. The Landlord's opposed the request. The Tenant's adjournment was granted on a peremptory basis. The Interim Order required: (a) the Tenant to pay the lawful rent until the application was heard, (b) the parties to file their availability with the Board, and (c) for all disclosure to be served and filed prior to March 31, 2021. The Tenant has not paid the lawful monthly rent, nor served and filed any disclosure to be relied on at the hearing. The Tenant's availability was filed up-to-and-including June 2021.

Preliminary Issues:

Adjournment request

1. On the morning of the hearing, the Tenant sought consent for an adjournment. The Landlord did not consent. The request was filed with the Board but was not seen prior to the hearing. The Landlord informed the Board of the Tenant's request.
2. The Tenant's request for an adjournment is denied. The Tenant has not complied with the Interim Order. I find that further delay with the arrears increasing would be substantially prejudicial to the Landlord.

3. I requested the Landlord's Counsel inform the Tenant's Counsel that the adjournment request is denied, and the hearing will be proceeding.
4. The Tenant's Counsel attended the hearing. He states the Tenant had not informed him that they were unavailable on this date. He did not state why the application could not proceed in the absence of the Tenant through legal representation.

Termination of the Tenancy

5. The parties agreed that an Order of the Board, CEL-95986-20 was issued on June 16, 2021 and determined the tenancy terminated on April 2, 2021.
6. The only issue to be determined is the quantum of the arrears.

Determinations:

7. The Tenant has not paid the total rent the Tenant was required to pay for the period from June 17, 2020 to April 2, 2021. Because of the arrears, the Landlords served a Notice of Termination effective August 16, 2020.
8. The Tenant was in possession of the rental unit when the application was filed.
9. The lawful monthly rent is \$2,400.00.
10. The Landlord is not holding a last month rent deposit.
11. The Tenant has not paid any amount since the application was filed.
12. The Landlord states they have attempted to negotiate with the Tenant toward re-payment of the arrears, but the Tenant has not been cooperative.
13. The Tenant's counsel states the Tenant is unemployed and is unable to pay the rent or arrears.
14. I find that the Tenant owes to the Landlord \$23,054.10, which includes rent and compensation owing to April 2, 2021, plus the cost of filing this application.

It is ordered that:

1. The tenancy is terminated as of April 2, 2021, the date in which the Tenants gave vacant possession of the rental unit to the Landlord.
2. The Tenant shall pay to the Landlords \$22,868.10, which represents the amount of rent owing and compensation up to April 2, 2021.
3. The Tenant shall also pay to the Landlords \$186.00 for the cost of filing the application.

4. If the Tenant does not pay the Landlords the full amount owing on or before April 13, 2021, the Tenant will start to owe interest. This will be simple interest calculated from April 14, 2021 at 2.00% annually on the balance outstanding.

July 30, 2021
Date Issued



Tami Cogan
Member, Landlord and Tenant Board

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.

**Schedule 1
SUMMARY OF CALCULATIONS**

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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 17, 2020 to August 16, 2020	\$4,800.00
Plus compensation: (from the day after the termination date in the Notice to the date the tenancy ended)	August 17, 2020 to April 2, 2021	\$18,068.10
Amount owing to the Landlords on the order date: (total of previous boxes)		\$22,868.10
Additional costs the Tenant must pay to the Landlords:		\$186.00
Total the Tenant must pay the Landlords if the tenancy is terminated:		\$23,054.10

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