

Order under Section 69  
Residential Tenancies Act, 2006


File Number: TNL-10582-18

**In the matter of:** UPPER LEVEL, 41 LINDSAY AVENUE  
NEWMARKET ON L3Y4N7

**Between:** Rizig Sayes

**and**

Abdloreza Nejadriahishirazi  
Zahra Khalouei

I hereby certify this is a true copy of the Landlord  
Order  
(Name of Document)  
  
\_\_\_\_\_  
(Signature of Staff Member)

DEC 19 2018

Tenants

Landlord and Tenant Board

Rizig Sayes (the 'Landlord') applied for an order to terminate the tenancy and evict Abdloreza Nejadriahishirazi and Zahra Khalouei (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe and because they, another occupant of the rental unit or someone they permitted in the residential complex have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.

This application was heard in Newmarket on December 17, 2018.

Only the Landlord attended the hearing.

**Determinations:**

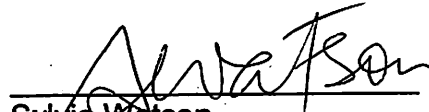
1. The Tenants have not paid the total rent the Tenants were required to pay for the period from July 1, 2018 to December 31, 2018. Because of the arrears, the Landlord served a Notice of Termination.
2. The Landlord collected a rent deposit of \$1,300.00 from the Tenants and this deposit is still being held by the Landlord.
3. Interest on the rent deposit is owing to the Tenants for the period from July 27, 2015 to December 19, 2018.
4. 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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

**It is ordered that:**

1. The Tenants must move out of the rental unit on or before January 2, 2019.

2. The Tenants shall pay to the Landlord \$4,158.74\*, which represents the amount of rent owing and compensation up to December 19, 2018, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$42.74 per day for compensation for the use of the unit starting December 20, 2018 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$190.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing\* on or before January 2, 2019, the Tenants will start to owe interest. This will be simple interest calculated from January 3, 2019 at 3.00% annually on the balance outstanding.
6. If the unit is not vacated on or before January 2, 2019, then starting January 3, 2019, 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 January 3, 2019.

**December 19, 2018**  
**Date Issued**

  
Sylvia Watson  
Member, Landlord and Tenant Board

Toronto North-RO  
47 Sheppard Avenue East, Suite 700, 7th Floor  
Toronto ON M2N5X5

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 July 3, 2019 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.

**Schedule 1  
SUMMARY OF CALCULATIONS**

**File Number: TNL-10582-18**

**A. Amount the Tenants must pay:**

<b>Reasons for amount owing</b>	<b>Period</b>	<b>Amount</b>
Arrears	July 1, 2018 to December 19, 2018	\$5,537.05
Less the rent deposit:		-\$1,300.00
Less the interest owing on the rent deposit:	July 27, 2015 to December 19, 2018	-\$78.31
Amount owing to the Landlord on the order date:(total of previous boxes)		<b>\$4,158.74</b>
Additional costs the Tenants must pay to the Landlord:		<b>\$190.00</b>
Plus daily compensation owing for each day of occupation starting December 20, 2018:		<b>\$42.74 (per day)</b>
<b>Total the Tenants must pay the Landlord:</b>		<b>\$4,348.74, + \$42.74 per day starting December 20, 2018</b>

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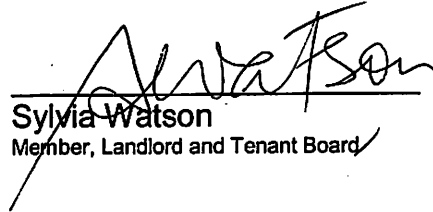
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