



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-18763-20

In the matter of: 405, 130 GOWAN AVENUE
EAST YORK ON M4K2E3

Between: IMH Pool XVIII LP Landlord

and

Iliyan Zhivkov Tenants
Martina Teodoru

IMH Pool XVIII LP (the 'Landlord') applied for an order to terminate the tenancy and evict Martina Teodoru and Iliyan Zhivkov (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe. The Landlord also claimed administration charges related to NSF cheques.

This application was heard by way of a video conference on June 2, 2021. The Landlord's Legal Representative, M. Anderson, attended the hearing on behalf of the Landlord. As of 2:27 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 September 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective October 28, 2020.
2. The Tenants are in possession of the rental unit.
3. The current monthly rent is \$2,039.00.
4. The Landlord is entitled to \$80.00 for charges the Landlord incurred as a result of cheques tendered by or on behalf of the Tenants, which were returned NSF, and related administration charges.
5. The Landlord collected a rent deposit of \$2,039.00 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2021 to June 30, 2021.
6. The Tenants have paid a total of \$21.18 to the Landlord after the application was filed.

7. The Landlord has sent numerous letters to the Tenants since this application was filed, in order to negotiate a payment plan regarding the outstanding arrears. However, no agreement has been reached between the parties.
8. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord has attempted to negotiate a payment plan, and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The arrears of rent are considerable and growing, and it would be highly prejudicial to the Landlord to postpone this eviction any further.

It is ordered that:

1. Unless the Tenant voids the order as set out below, the tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before July 11, 2021.
2. The Tenants shall pay to the Landlord \$18,347.22*, which represents the amount of rent owing and compensation up to June 30, 2021 and the total charges related to four NSF cheques tendered to the Landlord by or on behalf of the Tenants, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$67.04 per day for compensation for the use of the unit starting July 1, 2021 to the date the Tenants move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing* on or before July 11, 2021, the Tenants will start to owe interest. This will be simple interest calculated from July 12, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before July 11, 2021, then starting July 12, 2021, 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 July 12, 2021.
8. If the Tenants wish to void this order and continue the tenancy, the Tenants must pay to the Landlord or to the Board in trust:
 - i) \$20,634.82 if the payment is made on or before June 30, 2021, or
 - ii) \$22,673.82 if the payment is made on or before July 11, 2021**.If the Tenants do not make full payment in accordance with this paragraph and by the appropriate deadline, then the Landlord 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 July 12, 2021 but before the Sheriff gives vacant possession to the Landlord. The Tenants are only entitled to make this motion once during the period of the tenancy agreement with the Landlord.

June 30, 2021
Date Issued



Arnab Quadry
Member, Landlord and Tenant Board

Toronto South-RO
15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6

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 January 12, 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 101134 (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)	September 1, 2020 to October 28, 2020	\$3,916.00
Less the amount the Tenants paid to the Landlord		-\$21.18
Plus compensation: (from the day after the termination date in the Notice to the date of the order)	October 29, 2020 to June 30, 2021	\$16,424.80
Less the rent deposit:		-\$2,039.00
Less the interest owing on the rent deposit:	January 1, 2021 to June 30, 2021	-\$13.40
NSF cheque charges and related administration charges:		\$80.00
Amount owing to the Landlord on the order date: (total of previous boxes)		\$18,347.22
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus daily compensation owing for each day of occupation starting July 1, 2021:		\$67.04 (per day)
Total the Tenants must pay the Landlord if the tenancy is terminated:		\$18,533.22, + \$67.04 per day starting July 1, 2021

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

1. If the payment is made on or before June 30, 2021:

Reasons for amount owing	Period	Amount
Arrears:	September 1, 2020 to June 30, 2021	\$20,390.00
Less the amount the Tenants paid to the Landlord:		-\$21.18
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus NSF cheque charges and related administration charges:		\$80.00
Total the Tenants must pay to continue the tenancy:	On or before June 30, 2021	\$20,634.82

2. If the payment is made after June 30, 2021 but on or before July 11, 2021:

Reasons for amount owing	Period	Amount
Arrears:	September 1, 2020 to July 31, 2021	\$22,429.00
Less the amount the Tenants paid to the Landlord:		-\$21.18
Additional costs the Tenants must pay to the Landlord:		\$186.00
Plus NSF cheque charges and related administration charges:		\$80.00
Total the Tenants must pay to continue the tenancy:	On or before July 11, 2021	\$22,673.82