



Dec 05, 2023

Landlord and Tenant Board

**Order under Section 69
Residential Tenancies Act, 2006**

Citation: Tan v Carlos, 2023 ONLTB 79724

Date: 2023-12-05

File Number: LTB-L-053743-23

In the matter of: 26 BLUEGILL CRES
WHITBY ON L1P0E4

Between: Michelle lyn Tan Landlord

And

Michelle Carlos and Johnny Osbourne jr Tenant

Michelle lyn Tan (the 'Landlord') applied for an order to terminate the tenancy and evict Michelle Carlos and Johnny Osbourne jr (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 31, 2023.

The Landlord, her husband Cedric Tan and the Tenant (Michelle Carlos only representing both Tenants) attended the hearing.

The Parties Agreed that:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$3,300.00. It is due on the 26th day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$108.49. This amount is calculated as follows: \$3,300.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to November 25, 2023 are \$26,400.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit from the Tenant and this deposit was applied to the rent due February 26, 2023.
9. The dates agreed upon by the parties have shifted slightly as this order is being issued on December 5, 2023.

It is Ordered on Consent that:

1. The Tenant shall pay \$3,300 towards the arrears on or before December 10, 2023.
2. If the Tenant fails to make the payment in accordance with para. 1 of this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 7 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after November 26, 2023.
3. The Tenant shall the pay rent for the period from November 26, 2023 to December 10, 2023, on December 10, 2023, in the amount of \$1,518.86.
4. The Tenant shall vacate the rental unit on or before December 10, 2023.
5. If the unit is not vacated on or before December 10, 2023, then starting December 11, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
6. 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 December 11, 2023.
7. The Tenant shall pay off the arrears as follows:

Date of Payment	Amount of Payment
December 7, 2023	\$7,000
January 5, 2024	\$3,000
January 19, 2024	\$3,000
February 2, 2024	\$3,000
February 16, 2024	\$3,000
March 1, 2024	\$3,000
March 15, 2024	\$1,286

8. The Tenant shall also pay the Landlord compensation of \$108.49 per day for the use of the unit starting November 1, 2023 until the date the Tenant moves out of the unit.
9. If the Tenant does not pay the Landlord the full amount owing on or before March 15, 2023, the Tenant will start to owe interest. This will be simple interest calculated from March 16, 2024 at 7.00% annually on the balance outstanding.

December 05, 2023

Date Issued

James W. Campbell

James Campbell

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground 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 June 16, 2024 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.