



Order under Section 69 Residential Tenancies Act, 2006

Citation: Kleiman v Adair, 2024 ONLTB 13600

Date: 2024-02-22

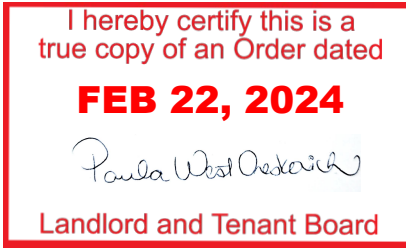
File Number: LTB-L-069637-23

In the matter of: main level, 23 BROWNING TRAIL
BARRIE ON L4N5A5

Between: Boris Kleiman

And

Robert Adair
Matthew Adair
Elizabeth Adair



Landlord

Tenants

Boris Kleiman (the 'Landlord') applied for an order to terminate the tenancy and evict Robert Adair, Matthew Adair and Elizabeth Adair (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 13, 2024.

The Landlord's legal representative Elina Vasilieva, the Landlord, and the Tenant Elizabeth Adair attended the hearing.

At the hearing, the parties engaged in mediation. As a result of the resolution discussion, the parties requested an Order on Consent in full and final settlement of the application.

I was satisfied the parties understood the consequences of their consent.

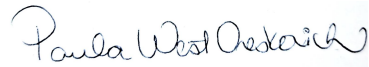
The parties agree that:

1. The Landlord served the Tenants with a Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenants 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. The tenancy shall terminate in a final way and without voiding provisions as of March 31, 2024.
3. As of the hearing date, the Tenants were still in possession of the rental unit.
4. The lawful rent is \$2,550.00. It is due on the 1st day of each month.
5. Based on the Monthly rent, the daily rent/compensation is \$83.84. This amount is calculated as follows: \$2,550.00 x 12, divided by 365 days.
6. The Tenants have paid \$1,650.00 to the Landlord since the application was filed.

7. The rent arrears owing to February 29, 2024, are \$20,600.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated as of March 31, 2024. The Tenants must move out of the rental unit on or before March 31, 2024.
2. The Tenants shall pay to the Landlord \$20,786.00. This amount includes rent arrears owing up to February 29, 2024, as well as the application filing fee.
3. The Tenants shall pay to the Landlord the full amount owing as set out in paragraph 2 according to the following schedule:
 - a) \$900.00 on or before February 23, 2024.
 - b) \$19,886.00 on or before February 29, 2024.
4. If the Tenants fail to make any of the payments in accordance with paragraph 3 of this order, the outstanding balance to be paid by the Tenants to the Landlord shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgement interest rate determined under subsection 207(7) of the Residential Tenancies Act, 2006.
5. The Tenants shall pay the lawful monthly rent for the period from March 1, 2024, to March 31, 2024, on or before the 1st day of March 2024 in the amount of \$2,550.00.
6. If the Tenants fail to make the payments in accordance paragraph 5 of this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the Landlord pursuant to paragraph 2 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after February 29, 2023.
7. If the unit is not vacated on or before March 31, 2024, the Tenants shall also pay the Landlord compensation of \$83.84 per day for the use of the unit starting April 1, 2024, until the date the Tenants move out of the unit.
8. If the unit is not vacated on or before March 31, 2024, then starting April 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 April 1, 2024.



February 22, 2024
Date Issued

Paula West Oreskovich
Hearings Officer, 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 October 1, 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.