



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

Citation: Lubana v Towns, 2023 ONLTB 31300

Date: 2023-04-18

File Number: LTB-L-000503-23

In the matter of: 7 TREETOPS BLVD
NEW TECUMSETH ON L9R0M4

Between: Jagdeep Lubana

And

Kristina Towns

I hereby certify this is a
true copy of an Order dated
APR 18, 2023

Landlord and Tenant Board

Landlord

Tenant

Jagdeep Lubana (the 'Landlord') applied for an order to terminate the tenancy and evict Kristina Towns (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. Also, because the Tenant has been persistently late in paying the Tenant's rent. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on March 29, 2023. The Landlord, the Landlord's legal representative, Erli Bregu, and the Tenant attended the hearing. The Tenant spoke with Tenant Duty Counsel on the hearing date.

At the hearing, the parties requested the following order on consent. I am satisfied that the parties understood the consequences of their joint submissions.

Determinations:

1. The Tenant is still in possession of the rental unit.
2. The lawful monthly rent is \$3,000.00 and it is due on the first day of each month.
3. Based on the Monthly rent, the daily compensation is \$98.63. This amount is calculated as follows: \$3,000.00 x 12, divided by 365 days.
4. The Tenant has not made any payments to the Landlord since the application was filed.
5. The parties agree that the total amount of arrears outstanding for the period ending March 31, 2023 is \$21,000.00.
6. The Landlord collected a rent deposit of \$3,000.00 from the Tenant and this deposit is still being held by the Landlord. Interest on the rent deposit, in the amount of \$66.99 is owing to the Tenant for the period from May 8, 2022 to March 29, 2023.

7. In accordance with subsection 106(10) of the *Residential Tenancies Act, 2006*, (the 'Act') the last month's rent deposit shall be applied to the rent for the last month of the tenancy.
8. On consent, the parties requested a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of April 30, 2023. The application is amended to include an L3 application for termination of the tenancy. As a consequence, the Tenant does not have the option to void the eviction order under subsection 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

On consent of the parties, it is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated. The Tenant must move out of the rental unit on or before April 30, 2023.
2. The Tenant shall pay to the Landlord \$18,119.01. This amount includes the rent arrears to March 31, 2023. The last month's rent deposit and interest owing on the deposit have been deducted from the amount outstanding.
3. The Tenant shall also pay to the Landlord daily compensation of \$98.63 per day starting April 1, 2023 until the date the Tenant moves out of the unit.
4. If the Tenant does not pay the full amount outstanding by April 30, 2023, then starting May 1, 2023 the Tenant will start to owe interest. This will be simple calculated from May 1, 2023 at a rate of 6.00% annually on the outstanding amount.
5. If the unit is not vacated on or before April 30, 2023, then starting May 1, 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 May 1, 2023.

April 18, 2023
Date Issued



Terri van Huisstede
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 of the Tenant expires on November 1, 2023 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.