



Order under Section 69 Residential Tenancies Act, 2006

Citation: HAMILTON EAST KIWANIS NP HOMES INC. v Michalski, 2024 ONLTB 4749

Date: 2024-01-16

File Number: LTB-L-064194-23

In the matter of: A, 230 CHARING CROSS ST BRANTFORD
ON N3R2J6

Between: HAMILTON EAST KIWANIS NP HOMES
INC.

Landlord

And

Peter Michalski
Ashley Michalski

Tenants

HAMILTON EAST KIWANIS NP HOMES INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Peter Michalski and Ashley Michalski (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on January 8, 2024.

The Landlord and the Tenants attended the hearing.

At the hearing, the parties consented to the following order. I was satisfied that the parties understood the consequences of their consent.

Determinations:

1. The Landlord served the Tenants with a valid 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. As of the hearing date, the Tenants were still in possession of the rental unit.
3. The lawful rent is \$917.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$30.15. This amount is calculated as follows: \$917.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to January 31, 2024 are \$7,270.00.

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7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. 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 unless the Tenants voids this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord:**
 - \$7,456.00 if the payment is made on or before January 31, 2024. See Schedule 1 for the calculation of the amount owing.

OR

- \$8,373.00 if the payment is made on or before February 2, 2024. See Schedule 1 for the calculation of the amount owing.
3. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants has paid the full amount owing as ordered plus any additional rent that became due after February 2, 2024 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
 4. **If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before February 2, 2024**
 5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$6,780.20. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
 6. The Tenants shall also pay the Landlord compensation of \$30.15 per day for the use of the unit starting January 9, 2024 until the date the Tenants move out of the unit.
 7. If the Tenants do not pay the Landlord the full amount owing on or before February 2, 2024, the Tenants will start to owe interest. This will be simple interest calculated from February 3, 2024 at 7.00% annually on the balance outstanding.
 8. If the unit is not vacated on or before February 2, 2024, then starting February 3, 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 February 3, 2024.

January 16, 2024

Date Issued

Camille Clyne

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 August 3, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before January 31, 2024

Rent Owing To January 31, 2024	\$7,270.00
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Total the Tenants must pay to continue the tenancy	\$7,456.00

B. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before February 2, 2024

Rent Owing To February 29, 2024	\$8,187.00
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Total the Tenants must pay to continue the tenancy	\$8,373.00

C. Amount the Tenants must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$6,594.20
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$0.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Total amount owing to the Landlord	\$6,780.20
Plus daily compensation owing for each day of occupation starting January 9, 2024	\$30.15 (per day)

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