



Order under Section 69 Residential Tenancies Act, 2006

Citation: Bhathha v Dupuis, 2024 ONLTB 4686

Date: 2024-01-19

File Number: LTB-L-054510-23

In the matter of: UPPER LEVEL, 1244 HURRICANE ROAD
THOROLD ON L0S1K0

Between: Teena Bhathha and Sarabjit Dhadwal Landlords

And

Hanna Dupuis, Marysha Brant and John
shane Brant Tenants

Teena Bhathha and Sarabjit Dhadwal (the 'Landlords') applied for an order to terminate the tenancy and evict Hanna Dupuis, Marysha Brant and John shane Brant (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on December 5, 2023.

Only the Landlord's Legal Representative, Samila Waslat, attended the hearing.

As of 3:00PM, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlords served the Tenants with a valid Notice to End Tenancy Early for Nonpayment 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 \$2,600.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$85.48. This amount is calculated as follows: \$2,600.00 x 12, divided by 365 days.
5. The Tenants have paid \$14,100.00 to the Landlords since the application was filed. At the hearing, I reviewed the Landlord's L1 application to determine this with the Landlords.

6. The rent arrears owing to December 31, 2023 are \$2,700.00.

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7. The Landlords 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.
9. The Landlords submitted that there were discussions with the Tenants about payment plans to address the arrears at various times.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlords attempted to negotiate a repayment agreement with the Tenants and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The tenancy between the Landlords 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 Landlords or to the LTB in trust:**
 - \$5,486.00 if the payment is made on or before January 30, 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 January 30, 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 January 30, 2024**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlords \$713.40. 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 Landlords compensation of \$85.48 per day for the use of the unit starting December 6, 2023 until the date the Tenants moves out of the unit.
7. If the Tenants do not pay the Landlords the full amount owing on or before January 30, 2024, the Tenants will start to owe interest. This will be simple interest calculated from January 31, 2024 at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before January 30, 2024, then starting January 31, 2024, the Landlords 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 Landlords on or after January 31, 2024.

January 19, 2024

Date Issued

Henry Yeung

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 July 31, 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 30, 2024

Rent Owing To January 31, 2024	\$19,400.00
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$14,100.00
Total the Tenants must pay to continue the tenancy	\$5,486.00

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

Rent Owing To Hearing Date	\$14,627.40
Application Filing Fee	\$186.00
Less the amount the Tenants paid to the Landlords since the application was filed	- \$14,100.00
Total amount owing to the Landlords	\$713.40

Plus daily compensation owing for each day of occupation starting December 6, 2023	\$85.48 (per day)
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