



## **Order under Section 77(8) Residential Tenancies Act, 2006**

**Citation:** Sitrine (7555 Goreway) Inc. v Kukubor, 2023 ONLTB 80237

**Date:** 2023-12-14

**File Number:** LTB-L-054077-23-SA

**In the matter of:** 11, 7555 GOREWAY DR  
MISSISSAUGA ON L4T3M9

**Between:** Sitrine (7555 Goreway) Inc. Landlord

**And**

Jamilah Kukubor Tenant

Sitrine (7555 Goreway) Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Jamilah Kukubor (the 'Tenant').

The Landlord's application was resolved by order LTB-L-054077-23, issued on March 21, 2023. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-054077-23.

The motion was heard by videoconference on October 19, 2023.

The Tenant attended the hearing. The Landlord was represented at the hearing by Ireland King.

### **Determinations:**

1. At 9:30 AM the Landlord, or their representative, was not present. I proceeded to hear the Tenant's motion based on the Tenant's evidence.
2. At the hearing the Tenant advised she can pay all the arrears within 90 days. I granted the Tenant's motion to set aside order LTB-L-054077-23 and replace it with a pay-and-stay order.
3. After the hearing concluded, the Landlord's representative signed into the hearing room. I advised her of my decision and took no issue with my determination based solely on the Tenant's evidence. An order will issue accordingly.

### **It is ordered that:**

1. Order LTB-L-054077-23 is set aside and replaced as follows:
2. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.

3. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
- \$12,925.88 if the payment is made on or before October 31, 2023. See Schedule 1 for the calculation of the amount owing.
  - \$14,868.43 if the payment is made on or before November 30, 2023. See Schedule 1 for the calculation of the amount owing.
  - \$16,810.98 if the payment is made on or before December 31, 2023. See Schedule 1 for the calculation of the amount owing.
  - \$18,753.53 if the payment is made on or before January 19, 2024. See Schedule 1 for the calculation of the amount owing.
4. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after January 19, 2024, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
5. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before January 19, 2024.**
6. If the Tenant does not void the order, the Tenant shall pay to the Landlord **\$10,189.69**. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenant. See Schedule 1 for the calculation of the amount owing.
7. The Tenant shall also pay the Landlord compensation of \$63.86 per day for the use of the unit starting October 20, 2023, until the date the Tenant moves out of the unit.
8. If the Tenant does not pay the Landlord the full amount owing on or before January 19, 2024, the Tenant will start to owe interest. This will be simple interest calculated from January 20, 2024, at 7.00% annually on the balance outstanding.
9. If the unit is not vacated on or before January 19, 2024, then starting January 20, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 January 20, 2024

**December 14, 2023**

**Date Issued**

\_\_\_\_\_  
Bryan Delorenzi

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 14, 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 Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before October 31, 2023**

Rent and Costs owing to October 31, 2023	\$12,925.88
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$12,925.88</b>

**B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before November 30, 2023**

Rent and Costs owing to November 30, 2023	\$14,868.43
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$14,868.43</b>

**C. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before December 31, 2023**

Rent and Costs owing to December 31, 2023	\$16,810.98
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$16,810.98</b>

**D. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before January 19, 2024**

Rent and Costs owing to January 31, 2024	\$18,753.53
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$18,753.53</b>

**E. Amount the Tenant must pay if the tenancy is terminated**

Rent and Costs owing to Hearing Date	\$12,196.34
<b>Less</b> the amount of the last month's rent deposit	- \$1,872.71
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$133.94
<b>Total amount owing to the Landlord</b>	<b>\$10,189.69</b>
Plus daily compensation owing for each day of occupation starting October 20, 2023	\$63.86 (per day)