



Order under Section 69 Residential Tenancies Act, 2006

Citation: Ranee Management v Panchew, 2023 ONLTB 78892

Date: 2023-12-12

File Number: LTB-L-045813-23

In the matter of: 405, 35 FOUNTAINHEAD RD
TORONTO ON M3J2V7

Between: Ranee Management Landlord

And

Anne Claudia Panchew Tenants
Shevon Antonia Panchew

Ranee Management (the 'Landlord') applied for an order to terminate the tenancy and evict Anne Claudia Panchew and Shevon Antonia Panchew (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on November 23, 2023.

Only the Landlord's legal representative I. Glickman attended the hearing.

As of **2:00 p.m.**, 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 Landlord 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 \$1,744.11. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$57.34. This amount is calculated as follows: \$1,744.11 x 12, divided by 365 days.
5. The Tenants have paid \$8,701.00 to the Landlord since the application was filed.

6. The rent arrears owing to November 30, 2023 are \$3,132.91.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,744.11 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$28.31 is owing to the Tenants for the period from April 1, 2023 to November 23, 2023.

RELIEF FROM EVICTION:

10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to postpone the eviction until February 29, 2024 pursuant to subsection 83(1)(b) of the Act.
11. At the hearing, the Landlord's legal representative submitted that as the Tenants had substantially decreased the amount of rent arrears the Landlord was in a position to provide the Tenants with some additional time to pay back the arrears they own and proposed a void date of February 29, 2024. As the Tenants were not present at the hearing, I see no reason not to grant the Landlord's request.

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 or to the LTB in trust:**
 - \$5,063.02 if the payment is made on or before December 31, 2023. See Schedule 1 for the calculation of the amount owing.

OR

 - \$6,807.13 if the payment is made on or before January 31, 2024. See Schedule 1 for the calculation of the amount owing.

OR

 - \$8,551.24 if the payment is made on or before February 29, 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 29, 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 29, 2024**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$1,121.20. 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 Tenants. See Schedule 1 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$57.34 per day for the use of the unit starting November 24, 2023 until the date the Tenants moves out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before February 29, 2024, the Tenants will start to owe interest. This will be simple interest calculated from March 1, 2024 at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before February 29, 2024, then starting March 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 March 1, 2024.

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December 12, 2023

Date Issued

Joy Xiao

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 September 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.

**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 December 31, 2023

| | |
|---|-------------------|
| Rent Owing To December 31, 2023 | \$13,578.02 |
| Application Filing Fee | \$186.00 |
| NSF Charges | \$0.00 |
| Less the amount the Tenants paid to the Landlord since the application was filed | - \$8,701.00 |
| Less the amount the Tenants paid into the LTB since the application was filed | - \$0.00 |
| Less the amount the Landlord owes the Tenants for an{abatement/rebate} | - \$0.00 |
| Less the amount of the credit that the Tenants are entitled to | - \$0.00 |
| Total the Tenants must pay to continue the tenancy | \$5,063.02 |

B. 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 | \$15,322.13 |
| Application Filing Fee | \$186.00 |
| NSF Charges | \$0.00 |
| Less the amount the Tenants paid to the Landlord since the application was filed | - \$8,701.00 |
| Less the amount the Tenants paid into the LTB since the application was filed | - \$0.00 |
| Less the amount the Landlord owes the Tenants for an{abatement/rebate} | - \$0.00 |
| Less the amount of the credit that the Tenants are entitled to | - \$0.00 |
| Total the Tenants must pay to continue the tenancy | \$6,807.13 |

C. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before February 29, 2024

| | |
|---|--------------|
| Rent Owing To February 29, 2024 | \$17,066.24 |
| Application Filing Fee | \$186.00 |
| NSF Charges | \$0.00 |
| Less the amount the Tenants paid to the Landlord since the application was filed | - \$8,701.00 |
| Less the amount the Tenants paid into the LTB since the application was filed | - \$0.00 |

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| | |
|---|-------------------|
| Less the amount the Landlord owes the Tenants for an{abatement/rebate} | - \$0.00 |
| Less the amount of the credit that the Tenants are entitled to | - \$0.00 |
| Total the Tenants must pay to continue the tenancy | \$8,551.24 |

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

| | |
|---|----------------------|
| Rent Owing To Hearing Date | \$11,408.62 |
| Application Filing Fee | \$186.00 |
| NSF Charges | \$0.00 |
| Less the amount the Tenants paid to the Landlord since the application was filed | - \$8,701.00 |
| 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 | - \$1,744.11 |
| Less the amount of the interest on the last month's rent deposit | - \$28.31 |
| Less the amount the Landlord owes the Tenants for an {abatement/rebate} | - \$0.00 |
| Less the amount of the credit that the Tenants are entitled to | - \$0.00 |
| Total amount owing to the Landlord | \$1,121.20 |
| Plus daily compensation owing for each day of occupation starting November 24, 2023 | \$57.34 (per day) |