



## **Amended Order under Section 78(6) Residential Tenancies Act, 2006**

**Citation:** Drewlo Holdings Inc. v Hoosein, 2023 ONLTB 77884

**Date:** 2023-12-04 **File Number:**  
LTB-L-061012-23-AM

**In the matter of:** 909, 700 WONDERLAND RD N  
LONDON ON N6H4V3

**Between:** Drewlo Holdings Inc. Landlord

**And**

Mohamed naser Hoosein Tenants  
Elizabeth Prebushewski

Drewlo Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Mohamed naser Hoosein and Elizabeth Prebushewski (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on August 3, 2023 with respect to application LTB-L-059382-22.

A hearing was held by videoconference on November 21, 2023 to consider this application. Only the Landlord's representative Nicole MePhee attended the hearing.

As of 3:30pm, 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 order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenants if the Tenants do not meet certain conditions in the order.

The breach

2. I find that the Tenants did not meet the following conditions specified in the order:

3. The Tenants did not pay the lawful rent on time, were late making arrears paymntns and have made no payments to the Landlord since September 5, 2023.
4. The application was filed within 30 days of the breach.

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Arrears owing

5. The Tenants owe the Landlord \$8,375.34 to the end of November 2023. The amount represents \$9,609.23 in arrears and costs, less the \$1,205.89 deposit which is still being held by the Landlord and less \$28.00 in interest on the rent deposit is owing to the Tenant for the period from January 1, 2023 to the date of this order.

**It is ordered that:**

1. Order LTB-L-059382-22 is cancelled and replaced with the following:
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before December 15, 2023.
3. If the unit is not vacated on or before December 15, 2023, then starting December 16, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
4. 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 December 16, 2023.
5. The Tenants shall pay to the Landlord \$8,320.94. This amount represents the rent owing up to **November 30, 2023** and the cost of filing the previous application, less the rent deposit and interest the Landlord owes on the rent deposit.
6. **The Tenants shall also pay the Landlord the Landlord \$40.61 for each day the Tenants remain in possession of the rental unit commencing December 1, 2023 until the Landlord regains vacant possession.**
7. If the Tenants do not pay the Landlord the full amount owing on or before December 15, 2023, the Tenants will start to owe interest. This will be simple interest calculated from December 16, 2023 at 7.00% annually on the balance outstanding.

**Amended: January 15, 2024**

**December 4, 2023**

**Date Issued**

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**Greg Joy**

Member, Landlord and Tenant Board

**File Number: LTB-L-061012-23-AM**

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.

2023 ONLTB 77884 (CanLII)