



## **Order under Section 69 Residential Tenancies Act, 2006**

**Citation:** Susiwala v Hassan, 2023 ONLTB 75350

**Date:** 2023-11-22

**File Number:** LTB-L-023326-23  
LTB-L-084008-23

**In the matter of:** 50 BAWCUTT CRES PARIS  
ON N3L0G6

**Between:**  
Landlord

Faisal Susiwala

**And**

Abolore Hassan and Iyabo Hussan

Tenants

Faisal Susiwala (the 'Landlord') applied for an order to terminate the tenancy and evict Abolore Hassan and Iyabo Hassan (the 'Tenants') because:

- the Tenant has been persistently late in paying the Tenant's rent (L2 LTB-L-023326-23);
- and because the Tenants did not pay the rent that the Tenants owe (L1 LTB-L-084008-23)

This application was heard by videoconference on October 31, 2023.

The Landlord's Legal Representative, Jane Dean and the Tenant Abolore Hassan attended the hearing.

The parties consented to combine the 2 above noted applications to be heard together.

The parties mutually agreed to resolve all matters at issue in these applications and requested an order on consent. We were satisfied that the parties understood the consequences of the joint submission.

### **Agreed Facts:**

1. The parties agreed that the outstanding arrears of rent owing to the date of the hearing is \$11,325.80.

2. The Landlord agreed to waive the application filing fee for both applications.

**It is ordered that:**

L1 Application – Non-Payment of Rent

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - \$16,082.20 if the payment is made on or before December 31, 2023. 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 have paid the full amount owing as ordered plus any additional rent that became due after December 31, 2023 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 December 31, 2023**
5. The Tenants shall also pay the Landlord compensation of \$78.19 per day for the use of the unit starting January 14, 2024 until the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlord the full amount owing on or before December 31, 2023, the Tenants will start to owe interest. This will be simple interest calculated from January 1, 2024 at 7.00% annually on the balance outstanding.
7. If the unit is not vacated on or before December 31, 2023, then starting January 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 1, 2024.

L2 Application – Persistent Late Payment of Rent

9. If the Tenants void the L1 portion of the order in accordance with paragraph 2 above, the tenancy shall continue on the following terms.
10. The Tenants shall pay the Landlord the monthly rent due on or before the 15th day of the month for the period starting January 15, 2024 and continuing to December 15, 2024, inclusive.

11. If the Tenants fail to make any of the payments in paragraph 10 above, the Landlord may apply under section 78 of the Act, within 30 days of the breach and without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant.
12. The hearing currently scheduled for LTB-084008-23 shall be cancelled by the Board.

**December 20, 2023**

**Date Issued**

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**Henry Yeung**

Member, Landlord and Tenant Board

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**Nicola Mulima**

Vice Chair, 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 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 Tenant 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 January 14, 2024	\$18,460.60
Application Filing Fee	\$0.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$2,378.40
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount the Landlord owes the Tenant for an{abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total the Tenant must pay to continue the tenancy</b>	<b>\$16,082.20</b>

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

Rent Owing To Hearing Date	\$12,655.23
Application Filing Fee	\$0.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$2,378.40
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$2,350.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$109.32
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$7,817.51</b>
Plus daily compensation owing for each day of occupation starting November 1, 2023	\$78.19 (per day)

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