



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

Citation: IMH Pool X LP v Perera, 2023 ONLTB 70610

Date: 2023-10-27

File Number: LTB-L-073580-22

In the matter of: 517, 295 DUFFERIN ST
TORONTO ON M6K3G2

Between: IMH Pool X LP

Landlord

And

Natasha Perera and Faduma Hashi

Tenants

IMH Pool X LP (the 'Landlord') applied for an order to terminate the tenancy and evict Natasha Perera and Faduma Hashi (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on August 16, 2023.

The Landlord was represented at the hearing by Christine Daniels. The Tenants were not present at the hearing.

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 was still in possession of the rental unit.
3. The lawful rent is \$1,382.14. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$45.44. This amount is calculated as follows: \$1,382.14 x 12, divided by 365 days.

5. The rent arrears owing to August 31, 2023, are \$5,888.27.
6. The Landlord is entitled to \$300.00 to reimburse the Landlord for administration charges and \$25.00 for bank fees the Landlord incurred as a result of 5 cheques given by or on behalf of the Tenants which was returned NSF.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$1,336.41 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 \$36.91 is owing to the Tenants for the period from January 1, 2022 to August 16, 2023.
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 be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

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:**
 - \$13,684.42 if the payment is made on or before October 31, 2023.

OR

- \$15,066.56 if the payment is made on or before November 7, 2023.
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 November 7, 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 does not pay the amount required to void this order the Tenants must move out of the rental unit on or before November 7, 2023**
 5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$8,891.72. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the

application and unpaid NSF charges. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenants.

6. The Tenants shall also pay the Landlord compensation of \$45.44 per day for the use of the unit starting August 17, 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 November 7, 2023, the Tenants will start to owe interest. This will be simple interest calculated from November 8, 2023, at 7.00% annually on the balance outstanding.
8. If the unit is not vacated on or before November 7, 2023, then starting November 8, 2023, 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 November 8, 2023.

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October 27, 2023

Date Issued

Bryan Delorenzi

Member, Landlord and Tenants 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 May 8, 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.