



**Order under Section 206
Residential Tenancies Act, 2006**

Citation: Khan v Bensch, 2023 ONLTB 70619

Date: 2023-10-25

File Number: LTB-L-073138-23

In the matter of: 323, 781 CLARE AVE WELLAND
ON L3C0K1

Between: Waseem Ullah Khan Landlords
Adnan Ali
Naila Gul
Asma Javed

And

Maygan Ashley Susan Charlotte Bensch Tenants
Maksymiljan Daniel Elwood

Waseem Ullah Khan, Adnan Ali, Naila Gul and Asma Javed (the 'Landlords') applied for an order to terminate the tenancy and evict Maygan Ashley susan charlotte Bensch and Maksymiljan Daniel Elwood (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlords and the Tenants filed a written agreement with the LTB on October 18, 2023 to resolve the Landlord's application.

Determinations:

1. The agreement reached by the Landlords and the Tenants resolves the Landlord's application.
2. The agreement has been signed by the Landlords and the Tenants.
3. The agreement was filed with the LTB before the hearing for the Landlords' application.
4. As a result of this order, no hearing will be held.

Based on the parties' agreement, it is ordered that:

1. The Tenants shall pay the Landlords \$4,486.00, which includes:
 1. \$4,300.00 for arrears owing up to October 31, 2023, and;
 2. \$186.00 for the fee paid by the Landlords for filing the application.

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2. The Tenants shall pay the amount set out in paragraph 1 according to the following schedule:
 1. \$750.00 on or before November 17, 2023.
 2. \$750.00 on or before December 15, 2023.
 3. \$750.00 on or before December 29, 2023.
 4. \$750.00 on or before January 12, 2024.
 5. \$750.00 on or before January 26, 2024.
 6. \$736.00 on or before February 9, 2024.
3. The Tenants shall pay the Landlords the full rent for November 2023 according to the following schedule:
 1. \$1100.00 on or before November 3, 2023.
 2. \$1050.00 on or before November 17, 2023.
4. The Tenants shall also pay the Landlords the full rent on or before the first day of each month for the period from December 2023 up to and including February 2024 or until all arrears in paragraph 1 have been paid, whichever is sooner.
5. CONSEQUENCES OF BREACH: If the Tenants do not make any of the payments required in paragraphs 2 to 4 in full and on time:
 1. The Landlords may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlords must make the application within 30 days of a breach of condition set out in paragraph 2 or 3. This normally results in the LTB issuing an eviction order without a hearing being held.

OR

2. The Landlords may ask the LTB to reopen the application no later than 30 days after the Tenants' breach. This will result in a hearing at the LTB.

6. Either the Landlords or the Tenants can ask the LTB to reopen the application within 30 days of date this order is issued if they believe the other party forced them to enter into the agreement, or if the other party deliberately made false or misleading misrepresentations that had a material effect on the agreement and the order issued.

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October 25, 2023

Date Issued

Camille Clyne

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.