



Order under Section 69 Residential Tenancies Act, 2006

Citation: Camsta Limited partnership v Rabia Ali, 2023 ONLTB 43634

Date: 2023-06-27

File Number: LTB-L-000753-23

In the matter of: 501, 67 Parkwoods Village Drive
North York ON M3A2X4

Between: Camsta Limited Partnership Landlord

And

Abdullah Ali, Ghazanfar Ali and Rabia Ali Tenants

Camsta Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Abdullah Ali, Ghazanfar Ali and Rabia Ali (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on June 5, 2023.

The Landlord's Representative Sean Beard and the Tenants, Rabia Ali and Ghazanfar Ali (who also attended on behalf of the third Tenant Abdullah Ali) attended the hearing. The Tenants declined speaking to tenant duty counsel before the hearing started.

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

The parties agreed:

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 \$1,479.34. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$48.63. This amount is calculated as follows: $\$1,479.34 \times 12$, divided by 365 days.
5. The Tenants have paid \$5,330.72 since the application was filed.
6. The rent arrears owing to June 30, 2023 are \$5,252.02.
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 \$173.64 from the Tenants on September 1, 2013 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 was last paid out to the Tenants up to the period ending December 31, 2021. Interest on the rent deposit, in the amount of \$22.68 is owing to the Tenants for the period from January 1, 2022 to June 5, 2023.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.

Pay and Stay Options

2. **Although the parties actually agreed during the hearing that the termination date would be June 23, 2023, they were advised that the Tenants may receive the benefit of a few days of additional time depending on when this order was issued.**
3. **The Tenants may void this order and continue the tenancy by paying to the Landlord the arrears of rent and the filing fee:**
 - (a) **in the amount of \$5,438.02 if paid on or before June 30, 2023 (see Schedule 1 Chart A for how this amount was calculated); or**
 - (b) **in the amount of \$6,917.36 if paid after June 30, 2023 but on or before July 8, 2023 (standard 11 days from the issuance date of this order). (see Schedule A Chart B for how this amount was calculated)**
4. 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 July 8, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.

Pay and Go Option

5. **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 July 8, 2023 (standard 11 days from the issuance date of this order).**
6. If the Tenants do not void the order, the Tenants shall pay to the Landlord **\$4,005.51**. 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 Chart C for the calculation of the *amount owing*.
7. The Tenants shall also pay the Landlord compensation of \$48.63 per day for the use of the unit starting June 6, 2023 until the date the Tenants actually move out of the unit or get evicted by the Sheriff
8. If the Tenants do not pay the Landlord the full amount owing of **\$4,005.51** on or before July 8, 2023, the Tenants will start to owe interest. This will be simple interest calculated from July 9, 2023 at 6.00% annually on the balance outstanding.
9. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.

If the unit is not vacated on or before July 8, 2023, then starting July 9, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

10. 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 July 9, 2023.

June 27, 2023

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Rent Owing To June 30, 2023	\$5,252.02 (this includes the credit of \$5,330.72 that the Tenants paid since the application was filed to the hearing date)
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$5,438.02

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made after June 30, 2023 but on or before July 8, 2023

Rent Owing To July 31, 2023	\$6,731.36 (this includes the credit of \$5,330.72 that the Tenants paid since the application was filed to the hearing date)
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$6,917.36

C. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$9,346.55
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5330.72
Less the amount of the last month's rent deposit	- \$173.64
Less the amount of the interest on the last month's rent deposit	- \$22.68
Total amount owing to the Landlord	\$4,005.51
Plus daily compensation owing for each day of occupation starting June 6, 2023	\$48.63 (per day)