



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

**Citation:** Migson Public Storage Inc. v Robinson, 2023 ONLTB 37719

**Date:** 2023-05-17

**File Number:** LTB-L-028900-22

**In the matter of:** A, 269 GLIDDEN RD  
BRAMPTON ON L6W1H9

**Between:** Migson Public Storage Inc. Landlord

**And**

Gloria Cleland Tenants  
Steven Robinson

Migson Public Storage Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Gloria Cleland and Steven Robinson (the 'Tenant') because the Tenants did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 9, 2023. The Landlord, the Landlord's Legal Representative, M. Yarmus, and the Tenant, Steven Robinson, attended the hearing.

**Preliminary Issue:**

During the hearing, the Tenant was found to be untruthful on several issues ranging from his denial of any knowledge of an interim order to denying that his name is Steven or that he knew the other Tenant, Gloria Cleland. I am satisfied from the tenancy agreement provided by the Landlord, dated September 15, 2020, that the Tenants are properly named in the application and the agreement was signed by both Steven Robinson and Gloria Cleland.

The amount outstanding for the period ending May 31, 2023 (\$39,000.00) exceeds the \$35,000.00 monetary jurisdiction of the Board. The Landlord was informed, and agreed that by proceeding with this application, all rights the Landlord may have in excess of the Board's monetary jurisdiction are extinguished on issuance of this order.

**Determinations:**

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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 \$1,950.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$64.11. This amount is calculated as follows: \$1,950.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to May 31, 2023 are \$39,000.00.
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 \$1,950.00 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 \$55.99 is owing to the Tenants for the period from September 8, 2020 to May 9, 2023.
10. I have considered all the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenants and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenants' request for an extension of the termination date to June 30, 2023 was denied. The amount outstanding is substantial, and the Tenants have not paid any rent since 2021.

**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:**
  - \$35,000.00 if the payment is made on or before May 28, 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 May 28, 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 May 28, 2023**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$35,000.00. 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 for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$64.11 per day for the use of the unit starting May 29, 2023 until the date the Tenants move out of the unit.

7. If the Tenants do not pay the Landlord the full amount owing on or before May 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 29, 2023 at 6.00% annually on the balance outstanding.
8. If the unit is not vacated on or before May 28, 2023, then starting May 29, 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 May 29, 2023.

**May 17, 2023**  
**Date Issued**

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Jitewa Edu  
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on November 29, 2023 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 Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before May 28, 2023**

Rent Owing To May 31, 2023	\$39,000.00
Application Filing Fee	\$186.00
<b>Less the amount above the Board's monetary jurisdiction:</b>	<b>- \$4,186.00</b>
<b>Total the Tenants must pay to continue the tenancy</b>	<b>\$35,000.00</b>

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

Rent Owing To Hearing Date	\$37,626.99
Application Filing Fee	\$186.00
<b>Less the amount of the last month's rent deposit</b>	<b>- \$1,950.00</b>
<b>Less the amount of the interest on the last month's rent deposit</b>	<b>- \$55.99</b>
<b>Less the amount above the Board's monetary jurisdiction:</b>	<b>- \$807.00</b>
<b>Total amount owing to the Landlord</b>	<b>\$35,000.00</b>
Plus daily compensation owing for each day of occupation starting May 29, 2023	\$64.11 (per day)