



Order under Section 69 Residential Tenancies Act, 2006

Citation: Windsor Essex Community Housing Corporation v Bakuri, 2023 ONLTB 36639

Date: 2023-05-11

File Number: LTB-L-047818-22

In the matter of: 1, 2579 LAUZON RD
WINDSOR ON N8T2Z5

Between: Windsor Essex Community Housing Corporation Landlord

And

Entisar Gilwan and Esam Bakuri Tenants

Windsor Essex Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Entisar Gilwan and Esam Bakuri (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on March 15, 2023.

Only the Landlord's Representative, Madeline Roy, attended the hearing.

As of 3:06 pm, the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. The Landlord's Representative submitted that on March 1, 2023, the Landlord sent another copy of the notice of hearing along with a payment plan request and the update sheet. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

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 were still in possession of the rental unit.
3. The monthly rent is \$785.00. It is due on the 1st day of each month.

4. Based on the monthly rent, the daily rent/compensation is \$25.81. This amount is calculated as follows: \$785.00 x 12, divided by 365 days.
5. The Tenants have paid \$1,300.00 to the Landlord since the application was filed.
6. Based on the Landlord's submissions, the rent arrears owing to March 31, 2023 are \$8,219.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
9. The Landlord's Representative submitted that this is an RGI tenancy and the Landlord requests an extended voiding date of April 30, 2023 so as to give the Tenants an opportunity to apply for a lower amount of rent. The representative stated that thus far, the social workers have tried unsuccessfully to contact the Tenants for repaying the arrears or for re-applying for a lower rent.
10. Based on the Landlord's submissions, I agreed that the voiding date can be extended as requested. I then asked the Landlord for any other circumstances concerning the Tenants, and the Landlord.
11. Since this order is dated May 11, 2023 (after April 30, 2023), I am issuing a standard voidable 11-day order, which in effect gives the Tenants an additional extension of time to void this order, or face termination.
12. 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 not be unfair to postpone the eviction until May 22, 2023 pursuant to subsection 83(1)(b) of the Act.

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated unless the Tenant voids this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$9,975.00 if the payment is made on or before May 22, 2023. See Schedule 1A 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 Tenant has paid the full amount owing as ordered plus any additional rent that became due after May 22, 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 Tenant must move out of the rental unit on or before May 22, 2023**

5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$8,007.15. This amount includes rent arrears owing up to the date of the hearing (i.e. March 15, 2023) and the cost of filing the application. See Schedule 1B for the calculation of the amount owing.
6. The Tenants shall also pay the Landlord compensation of \$25.81 per day for the use of the unit starting March 16, 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 22, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 23, 2023 at 6.00% annually on the balance outstanding.
8. The Landlord or the Tenants shall pay to the other any sum of money that is owed as a result of this order.
9. If the unit is not vacated on or before May 22, 2023, then starting May 23, 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 May 23, 2023.

May 11, 2023

Date Issued

15 Grosvenor Street, Ground Floor Toronto
ON M7A 2G6

Alex Brkic

Member, Landlord and Tenant Board

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 23, 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 Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before May 22, 2023

Rent Owing to March 31, 2023	\$9,519.00
New Rent Due on April 1, 2023 for April 2023 rent	\$785.00
New Rent Due on May 1, 2023 for May 2023 rent	\$785.00
Sub-total of Rent owing to May 31, 2023	\$11,089.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,300.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Total the Tenant must pay to continue the tenancy	\$9,975.00

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

Rent Owing To Hearing Date (March 15, 2023)	\$9,121.15
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$1,300.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$0.00
Less the amount of the interest on the last month's rent deposit	- \$0.00
Total amount owing to the Landlord	\$8,007.15
Plus daily compensation owing for each day of occupation starting March 16, 2023	\$25.81 (per day)