



Order under Section 69
Residential Tenancies Act, 2006

Citation: Marwah v Rafael, 2023 ONLTB 34627

Date: 2023-05-05 File Number: LTB-L-044559-22

In the matter of: 2 First Floor, 1166 Albion Road
 Toronto Ontario M9V1A8

Between: Jatinder Singh Marwah
 Harbeer Marwah

Landlords

And

Angel Rafael

Tenant

Jatinder Singh Marwah and Harbeer Marwah (the 'Landlords') applied for an order to terminate the tenancy and evict Angel Rafael (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 12, 2022. Only the Landlords attended the hearing.

Determinations:

1. The Landlords served the Tenant with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,300.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$42.74. This amount is calculated as follows: \$1,300.00 x 12, divided by 365 days.
5. As of the hearing date, the Tenant paid \$3,935.00 to the Landlord since the application was filed.
6. The rent arrears owing to October 31, 2022 are \$5,715.00.
7. The Landlord incurred costs of \$201.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.

9. 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 Landlords and the Tenant is terminated unless the Tenant voids this order.
2. The Tenant may void this order and continue the tenancy by paying to the Landlords or to the LTB in trust:
 - \$13,716.00 if the payment is made on or before May 16, 2023. See Schedule 1 for the calculation of the amount owing.

OR

- \$15,016.00 if the payment is made on or before May 16, 2023. See Schedule 1 for the calculation of the amount owing.
3. The Tenant 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 16, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before May 16, 2023
5. The Tenant shall pay to the Landlord \$5,715.00*, which represents the amount of rent owing up to October 31, 2022.
6. The Tenant shall also pay to the Landlord \$42.74 per day for compensation for the use of the unit starting November 1, 2022 to the date the Tenant moves out of the unit.
7. The Tenant shall pay to the Landlord \$201.00, which represents the application filing fee.
8. If the unit is not vacated on or before May 16, 2023, then starting May 17, 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 16, 2023.

May 5, 2023

Date Issued

John Tzanis

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 10, 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 16, 2023

Rent Owing To April 30, 2023	\$17,450.00
Application Filing Fee	\$201.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$3,935.00
Total the Tenant must pay to continue the tenancy	\$13,716.00

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before May 16, 2023

Rent Owing To May 31, 2023	\$18,750.00
Application Filing Fee	\$201.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$3,935.00
Total the Tenant must pay to continue the tenancy	\$15,016.00

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

Rent Owing To Hearing Date	\$9,650.00
Application Filing Fee	\$201.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$3,935.00
Total amount owing to the Landlord	\$5,916.00
Plus daily compensation owing for each day of occupation starting November 1, 2022	\$42.74 (per day)