



Order under Section 69 Residential Tenancies Act, 2006

Citation: 3201 Lawrence Avenue East Apts v George Cameron, 2023 ONLTB 34995

Date: 2023-05-04

File Number: LTB-L-059037-22

In the matter of: 805, 3201 LAWRENCE AVE E
SCARBOROUGH ON M1H1A3

Between: 3201 Lawrence Avenue East Apts Landlord

And

George Cameron Tenants
Rebecca Will

3201 Lawrence Avenue East Apts (the 'Landlord') applied for an order to terminate the tenancy and evict George Cameron and Rebecca Will (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 26, 2023. The Landlord's legal representative Natasha Mizzi and the Tenant George Cameron attended the hearing.

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

Determinations:

1. As of the hearing date, the Tenants were still in possession of the rental unit.
2. The lawful rent is \$1,300.50. It is due on the 1st day of each month.
3. Based on the Monthly rent, the daily rent/compensation is \$42.76. This amount is calculated as follows: \$1,300.50 x 12, divided by 365 days.
4. The Tenants have paid \$5,200.00 to the Landlord since the application was filed.
5. The rent arrears owing to April 30, 2023 are \$5,203.66.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord collected a rent deposit of \$1,303.72 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.
8. Interest on the rent deposit, in the amount of \$21.25 is owing to the Tenants for the period from September 1, 2022 to April 26, 2023.

On consent 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:**
 - \$6,690.16 if the payment is made on or before May 15, 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 15, 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 15, 2023**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$3,875.95. 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 \$42.76 per day for the use of the unit starting April 27, 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 15, 2023, the Tenants will start to owe interest. This will be simple interest calculated from May 16, 2023 at 6.00% annually on the balance outstanding.
8. If the unit is not vacated on or before May 15, 2023, then starting May 16, 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 4, 2023**Date Issued**

Fabio Quattrociochi

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 16, 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.

*Note: When the Board directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice

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 15, 2023

Rent Owing To May 31, 2023	\$11,704.16
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5,200.00
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total the Tenant must pay to continue the tenancy	\$6,690.16

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

Rent Owing To Hearing Date	\$10,214.92
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$5,200.00
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	- \$1,303.72
Less the amount of the interest on the last month's rent deposit	- \$21.25
Less the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenant is entitled to	- \$0.00
Total amount owing to the Landlord	\$3,875.95
Plus daily compensation owing for each day of occupation starting April 27, 2023	\$42.76 (per day)