



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

Citation: Cambridge Place Apartments Ltd c/o Realstar Management Partnership v Aagman Kohli, 2023 ONLTB 32313

Date: 2023-04-27

File Number: LTB-L-055078-22

In the matter of: 1111, 30 DENTON AVE
TORONTO ON M1L4P2

Between: Cambridge Place Apartments Ltd c/o Realstar Management Partnership Landlord

And

Aagman Kohli and Khushi Mukeshbhai Virja Tenants

Cambridge Place Apartments Ltd c/o Realstar Management Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Aagman Kohli and Khushi Mukeshbhai Virja (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on April 11, 2023.

The Landlord's Legal Representative Martin Zarnett, the Landlord's Agent Tamoghna Mishra, and the Tenant Aagman Kohli attended the hearing.

The parties before the LTB consented to the following order:

It is agreed by the parties that:

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 \$1,864.50. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$61.30. This amount is calculated as follows: \$1,864.50 x 12, divided by 365 days.
5. The Tenants have paid \$9,706.00 to the Landlord since the application was filed.

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6. The rent arrears owing to April 30, 2023 are \$6,730.50 which includes \$20.00 to reimburse the Landlord for administration charges and \$0.00 for bank fees the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenants which was returned NSF.
7. The Tenants made a payment of \$1,800.00 shortly prior to the hearing which had not yet cleared the bank. Once this payment has cleared, it will be applied against the arrears owing. The total arrears including the NSF fee outstanding will then be \$5,136.50.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,695.00 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.
10. Interest on the rent deposit, in the amount of \$42.03 is owing to the Tenants for the period from April 15, 2022 to April 11, 2023.
11. The parties agreed to a standard order with an extension to June 2, 2023.

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:**
 - \$6,936.50 for arrears of rent up to April 30, 2023, NSF fees, and costs. The Tenants made a payment of \$1,800.00 shortly prior to the hearing which had not yet cleared the bank. Once this payment has cleared, it will be applied against the arrears owing. The total amount outstanding will then be \$5,136.50.
3. The Tenants shall pay to the Landlord the amount set out in paragraph 2 in accordance with the following schedule:

	If the \$1,800.00 payment is cleared	If the \$1,800.00 payment is not cleared
On or before May 1, 2023	\$2,568.25	\$3,468.25
On or before June 1, 2023	\$2,568.25	\$3,468.25

4. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period May 1, 2023 to July 1, 2023, or until the arrears are paid in full, whichever date is earliest.
5. 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 June 2, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
6. **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 June 2, 2023.**
7. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$3,626.30. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application and unpaid NSF charges. The rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
8. The Tenants shall also pay the Landlord compensation of \$61.30 per day for the use of the unit starting April 12, 2023 until the date the Tenants move out of the unit.
9. If the Tenants do not pay the Landlord the full amount owing on or before May 31, 2023, the Tenants will start to owe interest. This will be simple interest calculated from June 3, 2023 at 6.00% annually on the balance outstanding.
10. If the unit is not vacated on or before June 2, 2023, then starting June 3, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
11. 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 June 3, 2023.

April 27, 2023
Date Issued

Margo den Haan
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 December 3, 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.

A. Amount the Tenants must pay if the tenancy is terminated

Rent Owing To Hearing Date (less any payments made since the date of the hearing)	\$14,863.33
Application Filing Fee	\$186.00
NSF Charges	\$20.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$9,706.00
Less the amount of the last month's rent deposit	- \$1,695.00
Less the amount of the interest on the last month's rent deposit	- \$42.03
Total amount owing to the Landlord	\$3,626.30
Plus daily compensation owing for each day of occupation starting April 12, 2023	\$61.30 (per day)

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