



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

**Citation:** Jagdeep and gurdeep Loyal v Curtis Samuel Brathwaite, 2023 ONLTB 32988

**Date:** 2023-04-26

**File Number:** LTB-L-055516-22

**In the matter of:** 587 CHIPPAWA ST  
WINDSOR ON N9C2W2

**Between:** Jagdeep and gurdeep Loyal Landlord

**And**

Amber Martha ann Lear and Curtis Samuel Tenant  
Brathwaite

Jagdeep and gurdeep Loyal (the 'Landlord') applied for an order to terminate the tenancy and evict Amber Martha ann Lear and Curtis Samuel Brathwaite (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 12, 2023.

The Landlord and the Tenant attended the hearing

**Determinations:**

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment 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. The Tenant was in possession of the rental unit on the date the application was filed.
3. The Tenant vacated the rental unit on March 22, 2023. Rent arrears are calculated up to the date the Tenant vacated the unit.
4. The lawful rent was \$2,390.93.
5. The Tenant has paid \$1,500.00 to the Landlord since the application was filed.
6. The parties agree that the arrears owing to March 22, 2023 are **\$20,436.00**, inclusive of arrears and costs of filing the application.
7. The parties agree the Tenant shall return the keys to the Landlords representative Ms. Pabla on April 13, 2023 on or before 3:00p.m., at Ms. Pabla's office. At the hearing, the Tenant was provided the address to return the keys.
8. The parties had different position about payment plans. They both agreed to make submissions on the payment plan and left it up to the Board to consider a payment plan reasonable in all the circumstances.

9. The Landlord requested the Board consider a payment plan of \$500 per month for 41 months. The Landlord states they have lost their job and has taken out a loan to pay the mortgage on the rental unit along with other expenses.
10. The Tenants requested the Board consider a payment plan of \$200 per month for 102 months. The Tenants states they have 2 children and a 3<sup>rd</sup> coming along the way. Ms. Lear indicated she is on sick leave and is receiving social assistance. Mr. Brathwaite stated he has been out of work for about 9 months, he lost his unemployment insurance, and stated he left his employment due to a conflict of interest with his superiors which had led him to file a harassment claim.
11. Since there is no dispute about the arrears and the Tenant has vacated the rental unit, the Board will issue a standard 11-day order. I am not obligated to consider any repayment plan. If the parties wish to negotiate their own agreements after this order, they are free to do so.

**It is ordered that:**

1. The tenancy between the Landlord and the Tenant is terminated as of March 22, 2023, the date the Tenant moved out of the rental unit
2. The Tenant shall pay to the Landlord **\$20,436.00** . This amount includes rent arrears owing up to the date the Tenant moved out of the rental unit and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. If the Tenant does not pay the Landlord the full amount owing on or before May 7, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 8, 2023 at 6.00% annually on the balance outstanding.

**April 26, 2023**

**Date Issued**

\_\_\_\_\_  
Anthony Bruno

Member, Landlord and Tenant Board

15 Grosvenor St, 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.

\*Note: When the LTB 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 as the tenancy is terminated**

Rent Owing To Move Out Date	\$21,750.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$1,500.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$20,436.00</b>