



Order under Section 69 Residential Tenancies Act, 2006

Citation: MEDALLION CORPORATION v MAHMUDUL HASAN SIFAT, 2023 ONLTB 32304

Date: 2023-04-21

File Number: LTB-L-006839-23

In the matter of: 2802, 565 SHERBOURNE STREET TORONTO
ON M4X1W7

Between: MEDALLION CORPORATION Landlord

And

MAHMUDUL HASAN SIFAT Tenant

MEDALLION CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict MAHMUDUL HASAN SIFAT (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord's Legal Representative Samuel Korman and the Tenant attended the hearing.

On consent, the parties requested a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of April 30, 2023. The application is amended to include an L3 application for termination of the tenancy. As a consequence, the Tenant does not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* by paying the outstanding rent arrears. I was satisfied that the parties understood the consequence of their joint submission, including in relation to the termination of the tenancy.

Agreed Facts:

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. As of the hearing date, the Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,665.62. It is due on the 1st day of each month.

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1. The Tenant signed an N9 Notice for March 31, 2023 but requested an extension to April 30, 2023.
2. The parties agree that the amount outstanding to April 30, 2023, inclusive of rent arrears (\$7,632.48) plus costs (\$201.00), less the rent on deposit and interest owing on the deposit (\$1,636.24) is \$6,197.24.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated as of April 30, 2023, the date that the Tenant has agreed to move out of the rental unit. The Tenant must move out of the rental unit on or before April 30, 2023.
2. The Tenant shall also pay the Landlord \$6,197.24 on or before April 30, 2023. This amount includes arrears owing up to the date that the Tenant moves out of the rental unit and the cost of filing the application. The rent deposit and interest the Landlord owes on the deposit is deducted from the amount owing by the Tenant. 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 April 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from May 1, 2023 at 6.00% annually on the balance outstanding.

April 21, 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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenant must pay as the tenancy is terminated

Rent Owing To Move out Date (April 30, 2023)	\$7,632.48
Application Filing Fee	\$201.00
Less the amount of the last month's rent deposit	- \$1,625.00
Less the amount of the interest on the last month's rent deposit	- \$11.24
Total amount owing to the Landlord	\$6,197.24