



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

Citation: Capreit Limited Partnership v Comery, 2023 ONLTB 28152

Date: 2023-03-30

File Number: LTB-L-049397-22

In the matter of: 105, 75 ORENDA CRT BRAMPTON
ON L6W3N2

Between: Capreit Limited Partnership Landlord

And

Cheryl Comery Tenant

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Cheryl Comery (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 16, 2023.

The Landlord's Representative, J. Paine and the Tenant attended the hearing.

The parties reached an agreement and requested the following consent order:

The parties agree:

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 \$1,450.24. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$47.68. This amount is calculated as follows: \$1,450.24 x 12, divided by 365 days.
5. The Tenant has paid \$6,105.00 to the Landlord since the application was filed.
6. The rent arrears owing to March 31, 2023 are \$4,986.54.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
9. The tenancy is terminated on March 31, 2023.

It is ordered that:

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1. The tenancy between the Landlord and the Tenant is terminated on March 31, 2023 and the Tenant must move out of the rental unit.
2. **The** Tenant shall pay to the Landlord \$4,485.18. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. See Schedule 1 for the calculation of the amount owing.
3. The Tenant shall also pay the Landlord compensation of \$47.68 per day for the use of the unit starting March 17, 2023 until the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing on or before April 10, 2023, the Tenant will start to owe interest. This will be simple interest calculated from April 11, 2023 at 5.00% annually on the balance outstanding.
5. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
6. If the unit is not vacated on or before March 31, 2023, then starting April 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. 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 April 1, 2023.

March 30, 2023 _____ **Date Issued**

Sandra Macchione

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 October 1, 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.

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**Schedule 1
SUMMARY OF CALCULATIONS**

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

Rent Owing To Hearing Date	\$10,404.18
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$6,105.00
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	- \$
Less the amount of the interest on the last month's rent deposit	- \$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 amount owing to the Landlord	\$4,485.18
Plus daily compensation owing for each day of occupation starting March 17, 2023	\$47.68 (per day)

2023 ONL TB 28152 (CanLII)