



Order under Section 69 Residential Tenancies Act, 2006

Citation: IMH POOL XX LP v Muddy, 2023 ONLTB 27773

Date: 2023-03-27

File Number: LTB-L-039021-22

In the matter of: 2507, 2450 WESTON RD
NORTH YORK ON M9N2A3

Between: IMH POOL XX LP Landlord

And

Hassan Muddy and Tariq Alli Tenants

IMH POOL XX LP (the 'Landlord') applied for an order to terminate the tenancy and evict Hassan Muddy and Tariq Alli (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on February 14, 2023.

Only the Landlord's Representative M. Anderson attended the hearing.

As of 1:56 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Non-payment 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 \$1,133.36. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$37.26. This amount is calculated as follows: \$1,133.36 x 12, divided by 365 days.
5. The Tenants have paid \$9,219.52 to the Landlord since the application was filed.
6. The rent arrears owing to February 28, 2023 are \$1,614.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord collected a rent deposit of \$1,168.36 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.
9. Interest on the rent deposit, in the amount of \$15.08 is owing to the Tenants for the period from January 1, 2021 to February 14, 2023.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act in light of the fact that the plan was proposed by the Landlord.

It is ordered that:

1. The Tenants shall pay the Landlord **\$1,800.00**, which represents the arrears of rent and costs outstanding for the period ending February 28, 2023.
2. The Landlord's application for eviction of the Tenants is denied on the condition that:
 - (a) The Tenants shall pay installments of **\$400.00** on or before the 20th day of the month for the three-month period commencing February 20, 2023 to April 20, 2023.
 - (b) The Tenants shall pay the balance owing of **\$600.00** on or before May 20, 2023.
 - (c) The Tenants shall pay the Landlord the monthly rent in full and on time for the months of February 2023 to May 2023, or until the arrears are paid in full, whichever date is earliest.
3. If the Tenants fail to make any of the payments in accordance with paragraph 2 of this order:
 - (a) The Landlord may apply under section 78 of the Act for an order terminating the tenancy and evicting the Tenants and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.
 - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

March 27, 2023
Date Issued

 William Greenberg
 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 8, 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.