



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** B.P.M. (Mill St.) Developments Limited c/o Realstar Management Partnership v Wilde,  
2023 ONLTB 21907

**Date:** 2023-02-17

**File Number:** LTB-L-030959-22

**In the matter of:** 809, 62 PARK AVE  
GEORGETOWN ON L7G4Z1

**Between:** B.P.M. (Mill St.) Developments Limited c/o Realstar Management Partnership Landlord

**And**

Diana Wilde and Stewart Wilde Tenants

B.P.M. (Mill St.) Developments Limited c/o Realstar Management Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Diana Wilde and Stewart Wilde (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on January 19, 2023.

The Landlord was represented at the hearing by Faith McGregor. The Tenants attended the hearing.

**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 \$1,841.64. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$60.55. This amount is calculated as follows: \$1,841.64 x 12, divided by 365 days.
5. The Tenants have paid \$14,887.38 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023, are \$3,338.62.
7. The Landlord is entitled to \$20.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of 1 cheque given by or on behalf of the Tenants which was returned NSF.

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 \$1,679.30 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 \$2.19 is owing to the Tenants for the period from January 1, 2023, to January 19, 2023.
- 11. At the hearing the parties agreed on the amount of arrears owing and the tenancy would terminate February 28, 2023. Therefore, unless the Tenants void the order as set out below, the tenancy will terminate February 28, 2023.**

**It is ordered that:**

1. The tenancy is terminated unless the Tenants void this order.
2. **The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
  - \$5,386.26 if the payment is made on or before February 28, 2023. See Schedule 1 for the calculation of the amount owing.
3. 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 February 28, 2023, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
4. **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 February 28, 2023**
5. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$1,171.94. 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 and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
6. The Tenant shall also pay the Landlord compensation of \$60.55 per day for the use of the unit starting January 20, 2023, until the date the Tenant moves out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before February 28, 2023, the Tenants will start to owe interest. This will be simple interest calculated from March 1, 2023, at 5.00% annually on the balance outstanding.
8. If the unit is not vacated on or before February 28, 2023, then starting March 1, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
9. 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 March 1, 2023.

**February 17, 2023**

**Date Issued**

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Bryan Delorenzi

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 September 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.

2023 ONLTB 21907 (CanLII)

**Schedule 1  
SUMMARY OF CALCULATIONS**

**A. Amount the Tenants must pay to void the eviction order and continue the tenancy if the payment is made on or before February 28, 2023**

Rent Owing To February 28, 2023	\$20,067.64
Application Filing Fee	\$186.00
NSF Charges	\$20.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$14,887.38
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Total the Tenants must pay to continue the tenancy</b>	<b>\$5,386.26</b>

**B. Amount the Tenants must pay if the tenancy is terminated**

Rent Owing To Hearing Date	\$17,534.81
Application Filing Fee	\$186.00
NSF Charges	\$20.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$14,887.38
<b>Less</b> the amount the Tenant paid into the LTB since the application was filed	- \$0.00
<b>Less</b> the amount of the last month's rent deposit	- \$1,679.30
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$2.19
<b>Total amount owing to the Landlord</b>	<b>\$1,171.94</b>
Plus daily compensation owing for each day of occupation starting January 20, 2023	\$60.55 (per day)