



Order under Section 69 Residential Tenancies Act, 2006

Citation: Royalwood Developments v Abramova, 2023 ONLTB 20167

Date: 2023-02-13

File Number: LTB-L-023982-22

In the matter of: 505, 55 BROWNLOW AVE
TORONTO ON M4S2L1

Between: Royalwood Developments Landlord

And

Alena Abramova and Anastasia Vavilova Tenants

Royalwood Developments (the 'Landlord') applied for an order to terminate the tenancy and evict Alena Abramova and Anastasia Vavilova (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 5, 2023.

The Tenant Alena Abramova attended the hearing. The Landlord was represented at the hearing by Bryan Rubin.

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. The rent arrears owing to January 31, 2023 are \$1098.38
3. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
4. The Landlord collected a rent deposit of \$1,097.64 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.
5. Interest on the rent deposit, in the amount of \$13.55 is owing to the Tenant for the period from January 1, 2021 to January 5, 2023.
6. **At the hearing the parties agreed on the amount of arrears owing and the tenancy would terminate January 9, 2023. Due to an administrative error the order was not issued prior to that date. Given the circumstances, unless the Tenants void the order as set out below, the tenancy will terminate February 24, 2023.**

It is ordered that:

1. The tenancy between the Landlord and the Tenants 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:**
 - \$2395.19 if the payment is made on or before February 24, 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 24, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
4. **If the Tenants do not pay the amount required to void this order the Tenant must move out of the rental unit on or before February 24, 2023**
5. As of the date of the hearing, the amount of the rent deposit and interest the Landlord owes on the rent deposit exceeds the arrears of rent, and the cost of filing the application the Landlord is entitled to by \$755.02. See Schedule 1 for the calculation of the amount owing. However, the Landlord is authorized to deduct from the amount owing to the Tenant \$36.53 per day for compensation for the use of the unit starting January 6, 2023 until the date the Tenants move out of the unit.
6. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.
7. If the unit is not vacated on or before February 24, 2023, then starting February 25, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
8. 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 February 25, 2023.

February 13, 2023**Date Issued**_____
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 August 25, 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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before February 24, 2023

Rent Owing To February 28, 2023	\$12,127.36
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$9918.17
Less the amount the Tenant paid into the LTB since the application was filed	- \$0.00
Total the Tenant must pay to continue the tenancy	\$2395.19

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

Rent Owing To Hearing Date	\$10,088.34
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$9918.17
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	- \$1,097.64
Less the amount of the interest on the last month's rent deposit	- \$13.55
Total amount owing to the Landlord	(\$755.02)
Plus daily compensation owing for each day of occupation starting January 6, 2023	\$36.52 (per day)