



Order under Section 69 Residential Tenancies Act, 2006

Citation: Yama-Munro v Gray, 2023 ONLTB 17257

Date: 2023-02-09

File Number: LTB-L-031149-22

In the matter of: LOWER UNIT, 1412 DOMINION RD FORT
ERIE ON L2A1J7

Between: Matthew Alexander Yama -Munro Landlord

And

Kayla Gray Tenants Stephanie Gray

Matthew Alexander Yama-Munro (the 'Landlord') applied for an order to terminate the tenancy and evict Kayla Gray and Stephanie Gray (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 19, 2023. The Landlord, the Landlord's Agent, T. Santhakumar, and the Tenant, Stephanie Gray on behalf of both 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 \$1,361.00.
4. Based on the Monthly rent, the daily rent/compensation is \$44.75. This amount is calculated as follows: \$1,361.00 x 12, divided by 365 days.
5. The Tenants have not made any payments since the application was filed.

6. The Tenant, who has resided in the rental unit for at least four years, testified that her mother was sick and she only just returned to work in November 2022. The Tenant proposed to pay to the Landlord, \$1,000.00 in arrears monthly in addition to ongoing rent.
7. The Tenants have not paid any rent to the Landlord since March 2022 and armed with the knowledge of this hearing, did not pay the rent for the month of January 2023 or any portion of the outstanding arrears. I am not satisfied that the Tenants can comply with the proposed payment plan.
8. The rent arrears owing to January 31, 2023 are \$13,610.00.
9. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
10. The Landlord collected a rent deposit of \$1,345.00 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.
11. Interest on the rent deposit, in the amount of \$32.43 is owing to the Tenants for the period from February 2, 2022 to January 19, 2023.
12. I have considered all 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 postpone the eviction until February 28, 2023 pursuant to subsection 83(1)(b) of the Act. The amount outstanding is substantial, and the Tenants have not paid any rent since the application was filed.

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:**
 - \$15,157.00 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 \$11,907.82. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. 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 Tenants shall also pay the Landlord compensation of \$44.75 per day for the use of the unit starting January 20, 2023 until the date the Tenants move out of the unit.
7. If the Tenants do not pay the Landlord the full amount owing on or before February 20, 2023, the Tenants will start to owe interest. This will be simple interest calculated from February 21, 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.

2023 ONL TB 17257 (CanLII)

February 9, 2023

Date Issued

Jitewa Edu
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.

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 28, 2023

Rent Owing To February 28, 2023	\$14,971.00
Application Filing Fee	\$186.00
Total the Tenant must pay to continue the tenancy	\$15,157.00

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

Rent Owing To Hearing Date	\$13,099.25
Application Filing Fee	\$186.00
Less the amount of the last month's rent deposit	- \$1,345.00
Less the amount of the interest on the last month's rent deposit	- \$32.43
Total amount owing to the Landlord	\$11,907.82
Plus daily compensation owing for each day of occupation starting January 20, 2023	\$44.75 (per day)