



Order under Section 69 Residential Tenancies Act, 2006

Citation: Westwood Management International v Nair, 2023 ONLTB 14861

Date: 2023-01-13

File Number: LTB-L-023590-22

In the matter of: 304, 3400 RIVERSPRAY CRES
MISSISSAUGA ON L4Y3M5

Between: Westwood Management International Landlord

And

Parvathy Murali Sandhya Tenants
Pradeep Surendran Nair

Westwood Management International (the 'Landlord') applied for an order to terminate the tenancy and evict Parvathy Murali Sandhya and Pradeep Surendran Nair (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 4, 2023.

The Landlord did not attend the hearing but was represented by Cathy Corsetti.

As of 12:04 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 \$1,461.07. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$48.04. This amount is calculated as follows: \$1,461.07 x 12, divided by 365 days.
5. The Tenants have paid \$6,339.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$9,732.77.
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 \$1,320.00 from the Tenant 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 \$154.33 is owing to the Tenant for the period from July 15, 2015 to January 4, 2023.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant 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.

It is ordered that:

1. The Tenants shall pay to the Landlord \$9,918.77, which represents the arrears of rent (\$9,732.77) and costs (\$186.00) outstanding for the period ending January 31, 2023.
2. The Landlord's application for eviction of the Tenants is denied on the condition that:
 - (a) The Tenants shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:
 1. Beginning on or before January 20, 2023, the Tenants shall pay the Landlord \$704.90;
 2. The Tenants shall continue to pay the Landlord \$704.80 per month on or before the 20th day of each month during the period of February 20, 2023, to December 23, 2023;
 - (b) The Tenants shall pay the lawful monthly rent for January 2023 on or before January 20, 2023, if not already paid;
 - (c) The Tenants shall also pay the Landlord the lawful monthly rent as it becomes due on or before the 1st day of the month starting February 1, 2023 until the arrears are paid in full.
3. If the Tenants fail to make any of the payments in accordance with paragraph 2, and by the dates required, then:
 - (a) The Landlord may apply, without notice to the Tenants, under section 78 of the *Residential Tenancies Act, 2006* (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 shall bear interest at the post-judgement interest rate determined under subsection 207(7) of the Act.

January 13, 2023

Date Issued

Emile Ramlochan

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.