



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Mikhailovskaia v Kim, 2024 ONLTB 33120

**Date:** 2024-05-21

**File Number:** LTB-L-098591-23

**In the matter of:** 1901, 1 GRANDVIEW AVE  
THORNHILL ON L3T0G7

**Between:** Lioudmila Mikhailovskaia

**And**

Joseph Kim  
Natalie Tran

I hereby certify this is a  
true copy of an Order dated

**MAY 21, 2024**

Landlord and Tenant Board

Landlord

Tenants

Lioudmila Mikhailovskaia (the 'Landlord') applied for an order to terminate the tenancy and evict Joseph Kim and Natalie Tran (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 29, 2024.

The Landlord, Lioudmila Mikhailovskaia, The Landlord's representative, Evgeny Aptekar, and the Tenant, Joseph Kim attended the hearing. The Tenant, Joseph Kim represented on behalf of the other Tenant, Natalie Tran.

The Tenant, Joseph Kim, met with the Tenant Duty Counsel prior to the hearing.

The parties agreed to resolve all the issues in the application and requested an order on consent confirming their agreement.

I was satisfied that the parties understood the terms of their consent. This order confirms that consent and issues an order for arrears only based on the understanding between the parties. As such, the Tenants have no opportunity, based on the Tenants election to terminate, to void termination by paying the outstanding arrears.

### It is agreed that:

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 \$3,200.00.

4. Based on the Monthly rent, the daily rent/compensation is \$105.20. This amount is calculated as follows:  $\$3,200.00 \times 12$ , divided by 365 days.
5. The Tenants have not made any payments since the application was filed.
6. The rent arrears owing to April 30, 2024, are \$20,300.00.
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 \$3,200.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit will be applied to the last month of Tenancy in May 2024.
9. The rent arrears owing to April 30, 2024, and costs are, \$20, 486.00.

**It is ordered on consent that:**

1. The tenancy between the Landlord and the Tenants is terminated on June 05, 2024. The Tenants must move out of the rental unit on or before June 05, 2024.
2. If the unit is not vacated on or before June 05, 2024, then starting June 06, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
3. 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 June 06, 2024.
4. The Tenants shall also pay the Landlord compensation of \$105.20 per day for the use of the unit starting June 06, 2024, until the date the Tenants move out of the unit.
5. The Tenants shall pay to the Landlord \$20,486.00. This amount includes rent arrears owing up to the date of the hearing and the costs of filing the application.
6. The Tenants shall pay to the Landlord \$20, 486.00 in accordance with the following schedule:
  - \$2,276.22 on or before the 15<sup>th</sup> day of each month for the next 9 months, starting on May 15, 2024, up to and including January 15, 2025.

7. If the Tenants do not pay the Landlord in accordance with the paragraph 6 of this order, the Tenants will start to owe interest. This will be simple interest calculated immediately at 7.00% annually on the balance outstanding.

**May 21, 2024**  
**Date Issued**

*Maryam Cooper*  
\_\_\_\_\_  
Maryam Cooper  
Hearings Officer, 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 December 06, 2024, 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.

