



**Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** Pal (c/o ljp legal) v Payne, 2024 ONLTB 45519

**Date:** 2024-06-14

**File Number:** LTB-L-001840-24

**In the matter of:** 55 GARDEN DRIVE  
Barrie ON L4N5T8

**Between:** Robert Pal (c/o ljp legal)  
Rona Aguja (c/o ljp legal)

**And**

Taddius Payne  
Rachel Brownlee



Landlords

Tenants

Robert Pal (c/o ljp legal) and Rona Aguja (c/o ljp legal) (the 'Landlords') applied for an order to terminate the tenancy and evict Taddius Payne and Rachel Brownlee (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on May 13, 2024.

The Landlord, Rona Aguja, the Landlords' Legal Representative, Lawrence Pomfret, and the Tenant, Rachel Brownlee, who appeared as agent on consent for the Tenant, Taddius Payne, attended the hearing. The Tenant, Rachel Brownlee spoke to Tenant Duty Counsel prior to the start of this proceeding.

At the hearing, the parties before the LTB consented to the following order. I was satisfied that the parties understood the consequences of their consent.

**It is agreed by the parties that:**

1. The rent arrears owing to May 31, 2024, are \$21,100.00. Furthermore, the Landlords incurred costs of \$186.00 for filing the application, which they are entitled to reimbursement of those costs.
2. The Tenants will use their best efforts to pay down the arrears on or before June 30, 2024.

**It is ordered on consent that:**

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before June 30, 2024.

2. The parties further consent that this order is a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy. As a result, the Tenants do not have the option to void the eviction order under subsections 74(4) or 74(11) of the *Residential Tenancies Act, 2006* (the 'Act') by paying the outstanding rent arrears.
3. The Landlords collected a rent deposit of \$3,500.00 from the Tenants, and this deposit is still being held by the Landlords and no interest has been paid to the Tenants. The rent deposit shall be applied to June 2024, rent, the last month of the tenancy, pursuant to subsection 106(10) of the Act and this herein consent order.
4. The Tenants shall pay to the Landlords \$21,113.08. This amount includes rent arrears owing to June 30, 2024, the date the tenancy terminates and the cost of filing the application. The interest the Landlords owes on the rent deposit is deducted from the amount owing by the Tenants. See Schedule 1 below for the calculations.
5. The Tenants shall also pay the Landlord compensation of \$115.07 per day for the use of the unit starting July 1, 2024, until the date the Tenants moves out of the unit.
6. If the Tenants do not pay the Landlord the full amount owing on or before June 30, 2024, the Tenants will start to owe interest. This will be simple interest calculated from July 1, 2024, at 7.00% annually on the balance outstanding.
7. If the unit is not vacated on or before June 30, 2024, then starting July 1, 2024, the Landlords 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 Landlords on or after July 1, 2024.

**June 14, 2024**  
**Date Issued**

  
\_\_\_\_\_  
Panagiotis Peter Roupas  
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 January 1, 2025, 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 Tenants must pay as tenancy terminated as of June 30, 2024**

Rent Owing To June 30, 2024	\$24,500.00
Application Filing Fee	\$186.00
NSF Charges	\$0.00
<b>Less</b> the amount the Tenant paid to the Landlord since the application was filed	- \$0.00
<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	- \$3,500.00
<b>Less</b> the amount of the interest on the last month's rent deposit	- \$72.92
<b>Less</b> the amount the Landlord owes the Tenant for an {abatement/rebate}	- \$0.00
<b>Less</b> the amount of the credit that the Tenant is entitled to	- \$0.00
<b>Total amount owing to the Landlord</b>	<b>\$21,113.08</b>
Plus daily compensation owing for each day of occupation starting July 1, 2024	\$115.07 (per day)