



Aug 22, 2024

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

File Number: LTB-L-029738-24

In the matter of: 80, 4552 PORTAGE RD
NIAGARA FALLS ON L2E6A9

Between: David Omonudo Landlord

And

Anthony Richard Masini Tenants
Jocelin Isabel Masini

David Omonudo (the 'Landlord') applied for an order to terminate the tenancy and evict Anthony Richard Masini and Jocelin Isabel Masini (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

The application was heard by video conference on August 6, 2024.

The Landlord, the Landlord's Representative, Joey Kay, the Landlord's Supporter, Magdalene Edomwonyi, and the Tenant, Anthony Richard Masini, who confirmed their permission to represent the interests of Tenant, Jocelin Isabel Masini, participated in mediation and agreed to an Order on Consent in full and final satisfaction of the application, and in so doing, understand their legal rights to a hearing on the merits of the matter have been waived.

The parties, by phone and subsequent to the mediation, agreed to apply the rent deposit held by the Landlords, and the interest owing to the Tenants on the rent deposit held, as reductions to the rent arrears owing.

I was satisfied that the terms of the agreement are consistent with the *Residential Tenancies Act, 2006*.

I was satisfied that the parties have provided their informed, independent, and voluntary consent.

The parties before the LTB consented to the following order:

It is agreed that:


1. On consent of the parties, the tenancy between the Landlord and the Tenants was terminated and confirmed by an Order of the Board issued July 25, 2024 (LTB-L-017908-24-RV).
2. Pursuant to that Order, the Tenants must move out of the rental unit by August 31, 2024.

3. The Landlord served the Tenants with a 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.
4. As of the hearing date, the Tenants were still in possession of the rental unit.
5. The lawful rent is \$2,700.00. It is due on the 1st day of month.
6. Based on the monthly rent, the daily rent/compensation is \$88.77. This amount is calculated as follows: $\$2,700.00 \times 12$, divided by 365 days.
7. The rent arrears owing to August 31, 2024 are \$22,100.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is not seeking reimbursement of those costs.
9. The Landlord collected a rent deposit of \$2,700.00 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.
10. Interest on the rent deposit, in the amount of \$89.57 is owing to the Tenants for the period from May 5, 2023 to August 6, 2024.

It is ordered on consent that:

1. The Tenants shall pay to the Landlord \$19,310.43. This amount includes rent arrears to August 31, 2024, minus the rent deposit held, and minus the interest owing to the Tenants on the rent deposit. ($\$22,100.00 - \$2,700.00 - \$89.57$).
2. The Tenants shall pay to the Landlord the full amount owing, as set out in paragraph 1, by September 30, 2024.
3. If the Tenants do not pay the Landlord the full amount owing on or before September 30, 2024, the Tenants will start to owe interest. This will be simple interest starting October 1, 2024, calculated annually on the outstanding balance, at the post-judgement interest rate determined under section 127 of the *Courts of Justice Act*.
4. The Tenants shall also pay the Landlord compensation of \$88.77 per day for the use of the unit starting September 1, 2024 until the date the Tenants move out of the unit.

August 22, 2024
Date Issued



Janice Campbell
Hearings Officer, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.