



Order under Section 69 and 77 Residential Tenancies Act, 2006

File Number: LTB-L-032340-24

In the matter of: 1, 285 MACKIE PL
Kitchener ON N2K1N2

Between: Bahriye Bahar and Murat Pekova

And

Nedime Sinem Selametoglu

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

AUG 23, 2024

Landlord and Tenant Board

Landlords

Tenant

Bahriye Bahar and Murat Pekova (the 'Landlords') applied for an order to terminate the tenancy and evict Nedime Sinem Selametoglu (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The application was scheduled to be heard by video conference on August 8, 2024. The Landlords were present with their son, Utku Berat Pekova, who interpreted between English and Turkish for the Landlords when needed. Susanne Draper, Licenced Paralegal, represented the Landlords. The Tenant attended and was self-represented. Inci Kuzucuoglu, a volunteer interpreter from the KW Turkish Cultural Association, was present to interpret between English and Turkish for the Tenant.

The parties elected to participate in LTB facilitated mediation with the assistance of Joanne Lolato, a Dispute Resolution Officer and Hearing Officer, with the Landlord and Tenant Board.

The parties agreed that:

- a. This order is a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy. The application is amended to include an L3 application for termination of the tenancy. As a consequence, the Tenant does 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.
- b. There is a discrepancy between the parties as to what is the lawful monthly rent.
- c. There is a discrepancy between the parties as to whether the Landlords are holding a last month rent deposit.
- d. If there is any last month rent deposit, it will be applied to the arrears owing along with any interest that would be owing on a deposit.
- e. The Landlords are waiving all arrears owing up to September 2, 2024 as well as the \$186.00 application filing fee.
- f. Daily rent/compensation is based on a monthly rent of \$2,150.00. The per diem compensation/daily rent is \$70.68 and is calculated as follows: \$2,150.00 x 12 months, divided by 365 days.

The parties agreed to resolve all the issues in the application and further agreed to the LTB issuing an Order on consent confirming their agreement. I, as Dispute Resolution Officer and Hearing Officer, am satisfied that the parties understood the terms of their consent as set out in the Order below.

It is ordered on consent that:

1. The tenancy between the Landlords and the Tenant is terminated. The Tenant must vacate the rental unit and provide vacant possession of the unit to the Landlords on or before September 2, 2024.
2. If the unit is not vacated on or before September 2, 2024, then starting September 3, 2024, the Landlords 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 Landlords on or after September 3, 2024.
4. If the Tenant does not vacate the unit on or before September 2, 2024, then the Tenant shall pay the Landlords compensation of \$70.68 per day for the use of the unit starting September 3, 2024 until the date the Tenant moves out of the unit.
5. If the Tenant does not pay the Landlords the full amount owing on or before September 3, 2024, the Tenant will start to owe interest. This will be simple interest calculated from September 4, 2024 at 7.00% annually on the balance outstanding.
6. Any amount that may be held as a last month rent deposit and any interest that may be owing on the deposit is applied to the arrears of rent owing.
7. The Landlords shall not pursue or require the Tenant to pay any arrears and/or rent owing up to September 2, 2024 as well as the \$186.00 application filing fee. These amounts have been waived.

August 23, 2024

Date Issued



Joanne Lolato

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 March 3, 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.