



**AMENDED ORDER
Order under Section 69
Residential Tenancies Act, 2006
And Section 21.1 of the Statutory Powers Procedure Act**

File Number: LTB-L-058907-24-AM

In the matter of: 392 TERRY DR
NEWMARKET ON L3Y5E7

Between: Damir Akhmetshin Landlord

And

Alexandra Peeva Tenants
Peytcho Peev

This amended order is issued to correct a clerical error in the original order. The corrections have been bolded and/or underlined for ease of reference.

Damir Akhmetshin (the 'Landlord') applied for an order to terminate the tenancy and evict Alexandra Peeva and Peytcho Peev (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on October 22, 2024.

The Landlord and the Tenant, Alexandra Peeva representing both Tenants, attended the hearing.

The parties mutually agreed to resolve all matters at issue in the application and requested an order on consent. I was satisfied that the parties understood the consequences of the joint submission.

At the hearing, the parties agreed:

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 \$3,075.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$101.10. This amount is calculated as follows: \$3,075.00 x 12, divided by 365 days.
5. The Tenants have paid \$225.00 to the Landlord since the application was filed. **At the hearing, this was amount reported by the Landlord that the Tenants paid after application was filed on July 23, 2024, and counts towards total rent arrears owing.**
6. The rent arrears owing to October 31, 2024, are \$9,225.00.
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 \$3,000.00 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.
9. Interest on the rent deposit, in the amount of **\$91.43** is owing to the Tenants for the period from April 13, 2022, to October 22, 2024.
10. **The Landlord's request to include utilities or water bills is not permitted in this type of application. The Landlord would be required to file a separate application with the Board if necessary.**
11. The parties requested a final, non-voidable termination of this tenancy based on their agreement to terminate the tenancy as of October 31, 2024. The application is amended to include an L3 application for termination of the tenancy. As a consequence, 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.

On consent, it is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before **October 31, 2024**.
2. The Tenants shall pay to the Landlord **\$5,468.77**. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application. The rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenants. See Schedule 1 for the calculation of the amount owing.
3. The Tenants shall also pay the Landlord compensation of **\$101.10** per day for the use of the unit starting October 23, 2024, until the date the Tenants move out of the unit.
4. If the Tenants do not pay the Landlord the full amount owing on or before October 31, 2024, the Tenants will start to owe interest. This will be simple interest calculated from November 1, 2024, at 6.00% annually on the balance outstanding.
5. If the unit is not vacated on or before October 31, 2024, then starting November 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.

6. 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 November 1, 2024.

October 24, 2024

Date Issued

November 7, 2024

Date Amended

Michael Di Salle

Michael Di Salle

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 May 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 the tenancy is terminated

Rent Owing To Hearing Date	\$8,599.20
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$225.00
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount of the last month's rent deposit	- \$3,000.00
Less the amount of the interest on the last month's rent deposit	- \$91.43
Less the amount the Landlord owes the Tenants for an {abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants are entitled to	- \$0.00
Total amount owing to the Landlord	\$5,468.77
Plus daily compensation owing for each day of occupation starting October 23, 2024	\$101.10 (per day)