



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

File Number: LTB-L-076073-24

In the matter of: 8731 TRAFALGAR RD
HALTON HILLS ON L7G4S5

Between: AGRAM FARM

And

TIMOTHY DUDEK-MCGEARY
MYRIAM DELLI COLLI TRUDEL

I hereby certify this is a true copy of an Order dated
Dec 03, 2024

Landlord and Tenant Board

Landlord

Tenant

AGRAM FARM (the 'Landlord') applied for an order to terminate the tenancy and evict TIMOTHY DUDEK-MCGEARY and MYRIAM DELLI COLLI TRUDEL (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 21, 2024.

The Landlord's Legal Representative, Andrew McMaster and the Tenants attended the hearing.

The parties agreed:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,530.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$50.30. This amount is calculated as follows: \$1,530.00 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The amount of rent arrears claimed by the Landlord exceeds the Board's monetary jurisdiction. Section 207(1) of the Act states that the Board's monetary jurisdiction is the same as the Small Claims Court's jurisdiction, which is currently \$35,000.00 plus costs. Proceeding with this application at the Board extinguishes any rights the Landlord may have to pursue the full amount owing at the Superior Court. The Landlord was made aware of the Board's monetary jurisdiction and chose to proceed with this application.
7. The rent arrears owing to November 30, 2024 are \$46,085.00. The Tenants are being ordered to pay \$35,000.00, plus the Landlord's costs, which is the Board's maximum monetary jurisdiction. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.
9. The parties requested a non-voidable eviction order with an eviction date of December 31, 2024. However, given the upcoming holidays, I find that it would not be unreasonable to delay termination of the tenancy to January 3, 2025.

It is ordered on consent that:

1. The tenancy between the Landlord and the Tenant is terminated effective January 3, 2025. The Tenant must vacate the rental unit on or before January 3, 2025.
2. The Tenant shall pay the Landlord \$35,186.00 for arrears of rent and costs owing to January 31, 2025.
3. The Tenant shall also pay the Landlord compensation of \$50.30 per day for the use of the unit starting November 22, 2024 until the date the Tenant moves out of the unit.
4. If the Tenant does not pay the Landlord the full amount owing on or before January 3, 2025, the Tenant will start to owe interest. This will be simple interest calculated from January 4, 2025 at 6.00% annually on the balance outstanding.
5. If the unit is not vacated on or before January 3, 2025, then starting January 4, 2025, 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 January 4, 2025.

December 3, 2024
Date Issued



Christopher Lin
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 July 4, 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.