



**Order under Section 78(6)
Residential Tenancies Act, 2006**

Date: 2024-09-19

File Number: LTB-L-069967-24

In the matter of: 1105 ASHLEY CRT
INNISFIL ON L9S1X1

Between: Mahmoud Helmy
Doa Shoukry

Landlords

And

Ryan French
Gary French

Tenants

Mahmoud Helmy and Doa Shoukry (the 'Landlords') applied for an order to terminate the tenancy and evict Ryan French and Gary French (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants did not meet a condition specified in the order issued by the LTB on November 9, 2023 with respect to application LTB-L-052260-23.

This application was decided without a hearing being held.

Determinations:

1. The order provides that the Landlords can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order. This application was filed within 30 days of the breach.

2. I find that the Tenants had not met the following conditions specified in the order:

The Tenants failed to pay the lawful monthly rent for August 2024 in full and on time due on or before August 1, 2024 and failed to pay the arrears instalment in full and on time, due on or before August 9, 2024.

3. The previous application includes a request for an order for the payment of arrears of rent and the order requires the Tenants to make payments by specific due dates. Accordingly, in addition to eviction, the Landlords are entitled to request an order for the payment of arrears owing.

4. The Tenants were required to pay \$6,186.00 for rent arrears and the application filing fee in the previous order. The amount that is still owing from that order is \$2,686.00 and that amount is included in this order. This order replaces order LTB-L-052260-23.
5. Since the date of the previous order, the Tenants had failed to pay the full rent that became owing for the period from August 1, 2024 to August 31, 2024.
6. The Landlords collected a rent deposit of \$2,500.00 from the Tenants and this deposit is still being held by the Landlords.
7. Interest on the rent deposit is owing to the Tenants for the period from March 16, 2024 to September 19, 2024.
8. The amount of the rent deposit and interest on the rent deposit is applied to the amount the Tenants are required to pay.
9. The Landlords are entitled to daily compensation from the day after this order is issued to the date the Tenants move out of the unit at a daily rate of \$82.19. This amount is calculated as follows: \$2,500.00 x 12, divided by 365 days.

It is ordered that:

Order LTB-L-052260-23 is cancelled.

1. The tenancy between the Landlords and the Tenants is terminated. The Tenants must move out of the rental unit on or before September 30, 2024.
2. If the unit is not vacated on or before September 30, 2024, then starting October 1, 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 October 1, 2024.
4. The Tenants shall pay to the Landlords \$4,215.42*. (**Less any payments made by the Tenants after this application was filed on August 28, 2024**). This amount represents the rent owing up to September 19, 2024 and the cost of filing the previous application, less the rent deposit and interest the Landlords owe on the rent deposit.
5. The Tenants shall also pay to the Landlords \$82.19 per day for compensation for the use of the unit starting September 20, 2024 to the date the Tenants move out of the unit.
6. If the Tenants do not pay the Landlords the full amount owing on or before September 30, 2024, the Tenants will start to owe interest. This will be a simple interest calculated from October 1, 2024 at 7.00% annually on the balance outstanding.

September 19, 2024
Date Issued



James McMaster
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,
Toronto ON M7A 2G6

The Tenants have until September 29, 2024 to file a motion with the LTB to set aside the order under s. 78(9) of the Act. If the Tenants file the motion by September 29, 2024 the order will be stayed, and the LTB will schedule a hearing.

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 April 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.

* Refer to the attached Summary of Calculations.