



Order under Section 78(11) Residential Tenancies Act, 2006

Citation: Halim v Smith, 2024 ONLTB 58991

Date: 2024-08-12

File Number: LTB-L-044102-24-SA

In the matter of: Basement unit, 208 MONTRAVE AVE
OSHAWA ON L1J4R8

Between: Zeeshan Halim

And

Eric Smith
Lauralee Steiger

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

AUG 12, 2024

Landlord and Tenant Board

Landlord

Tenants

Zeeshan Halim (the 'Landlord') applied for an order to terminate the tenancy and evict Eric Smith and Lauralee Steiger (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 May 15, 2024 with respect to application LTB-L-058516-22.

The Landlord's application was resolved by order LTB-L-044102-24, issued on June 17, 2024. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-044102-24.

This motion was heard by videoconference on July 31, 2024. The Landlord and the 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.

Determinations:

1. The Tenants do not dispute breaching the prior order issued on May 15, 2024, by failing to pay \$750.00 towards arrears on or before May 20, 2024, and by failing to pay the monthly rent for June 2024 on or before June 1, 2024.
2. As of the hearing date, the Tenants owe to the Landlord \$18,066.00 for arrears of rent owing to July 31, 2024, and the costs of filing the previous application.
3. The lawful rent is \$1,270.00 and is due on the first day of each month.
4. The Landlord agrees to give the Tenants a credit towards their arrears in the amount of \$500.00.

5. The Landlord collected a rent deposit of \$1,150.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit, in the amount of \$ \$67.91 is owing to the Tenant for the period from August 1, 2020 to April 2, 2024.

On consent it is ordered that:

1. The motion to set aside Order LTB-L-044102-24, issued on June 17, 2024, is granted. The order is cancelled and replaced with the following.
2. The tenancy between the Landlord and the Tenants is terminated unless the Tenants void this order.
3. The Tenants may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:
 - \$18,836.00 if the payment is made on or before August 31, 2024.
4. The Tenants may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenants have paid the full amount owing as ordered plus any additional rent that became due after August 31, 2024, but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenants may only make this motion once during the tenancy.
5. If the Tenants do not pay the amount required to void this order the Tenants must move out of the rental unit on or before August 31, 2024.
6. If the Tenants do not void the order, the Tenants shall pay to the Landlord \$16,348.09. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the previous application. The arrears credit, the rent deposit and interest the Landlord owes on the rent deposit are deducted from the amount owing by the Tenants.
7. The Tenants shall also pay the Landlord compensation of \$41.75 per day for the use of the unit starting August 1, 2024, until the date the Tenants move out of the unit.
8. If the Tenants do not pay the Landlord the full amount owing on or before August 31, 2024, the Tenants will start to owe interest. This will be simple interest calculated from September 1, 2024, at 7.00% annually on the balance outstanding.
9. If the unit is not vacated on or before August 31, 2024, then starting September 1, 2024, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
10. 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 August 31, 2024.

August 12, 2024

Date Issued



Fabio Quattrociocchi

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 March 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.