



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-51212-21

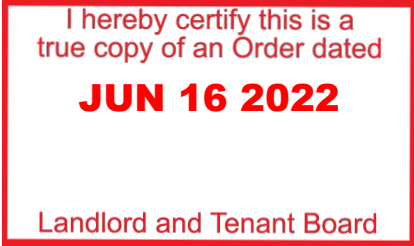
In the matter of: UNIT 1, 2403 ARTHUR ROAD
WINDSOR ON N8W4V8

Between: Layton Gilbraith
Kristen Gilbraith

Landlords

and

Dustin Menard



Tenant

Layton Gilbraith and Kristen Gilbraith (the 'Landlords') applied for an order to terminate the tenancy and evict Dustin Menard (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on June 9, 2022.

Only the first named Landlord, Layton Gilbraith, attended the hearing. As of 9:42am, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

REQUEST TO REOPEN

The Landlords filed an application under the RTA for termination of the tenancy and to evict the Tenant because the Tenant did not pay the rent that the Tenant owed. The Parties attended the first hearing on Dec 20, 2021 and elected to participate in Board facilitated mediation with the assistance of a Dispute Resolution Officer and agreed to terms and conditions of a repayment plan for the arrears the Tenant owed the Landlord. A mediation agreement was signed by the Landlords on January 24, 2022 and by the Tenant on January 10, 2022 as per s. 206(1) of the Act. The signed agreement allowed the Landlord to file a request with the Board to reopen the application if the Tenant were to breach terms of the repayment plan outlined in the agreement, which would result in a hearing at the Board, to reopen the file. The Landlord filed a request to reopen the file on April 11, 2022 with the Board stating that the Tenant had breached the agreement by missing the March 15, 2022 payment.

The Landlords submitted the signed agreement as evidence that stated the Tenant would make \$300.00 payments on the fifteenth of each month from January 15, 2022 to May 15, 2022. The Landlord submitted the Tenant had made payments for January 15, 2022 and February 15, 2022

but missed the March 15, 2022 payment leaving an arrears owing of \$900.00. In the absence of the Tenant to provide testimony disputing the Landlords' claim, I considered the uncontested evidence submitted by the Landlords to support their claim and determined the request to reopen met the criteria to allow me to reopen the file and I proceeded with the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2021 to December 31, 2021. Because of the arrears, the Landlords served a Notice of Termination effective April 22, 2021.
2. The Landlord and the Tenant entered into a mediated agreement at the initial hearing on December 20, 2021, for payment of the arrears owing by the Tenant of \$1,500.00, including the filing fee, up to December 31, 2021. The Tenant missed the March 15, 2022 payment as required by the mediated agreement.
3. The Tenant vacated the rental unit on March 22, 2022 by eviction of a sheriff's order on a separate application filed with the Board, and the empty rental unit was returned to the Landlord.
4. The Tenant was in possession of the rental unit when the L1 application was filed with the Board.
5. The Landlord is not holding a last month's rent deposit.
6. The filing fee is inclusive in the balance of the arrears owing the Landlord is seeking.

It is ordered that:

1. The tenancy is terminated as of March 31, 2022.
2. The Tenants shall pay to the Landlord \$900.00 which represents the amount of rent owing in accordance with the prior mediated agreement.
3. If the Tenants do not pay the Landlord the full amount owing* on or before June 27, 2022, the Tenants will start to owe interest. This will be simple interest calculated from June 28, 2022 at 2.00% annually on the balance outstanding.

June 16, 2022
Date Issued



Greg Brocanier
Member, Landlord and Tenant Board

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

* Refer to section A on the attached Summary of Calculations.