



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

**Citation:** Miller v Rodgers, 2023 ONLTB 27710

**Date:** 2023-03-27

**File Number:** LTB-L-029271-22

**In the matter of:** 15, 1040 CLARENCE ST  
NORTH BAY ON P1B3W4

**Between:** John Miller

**And**

Douglas Rodgers  
Leighann Gale

I hereby certify this is a  
true copy of an Order dated  
**March 27, 2023**  
  
Landlord and Tenant Board

Landlord

Tenants

John Miller (the 'Landlord') filed an L1 application under the *Residential Tenancies Act, 2006* (the 'Act') based on an N4 Notice of Termination for an order to terminate the tenancy and evict Douglas Rodgers and Leighann Gale (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

A hearing took place at the Landlord and Tenant Board on January 18, 2023, at 1:00 p.m. via video conference on VC line 118. The Landlord attended and was supported by Miles Macmillan the General Manager. The Tenant Douglas Rodgers attended the hearing and was self-represented. The Tenant Leighann Gale spouse to Douglas Rodgers did not attend the hearing. The Tenant consulted with Tenant Duty Counsel prior to 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 their joint submission.

**At the hearing, the parties consented to the following order**

**It is ordered on consent that:**

- 1) The parties agree that the total sum of arrears owing up to and including January 31, 2023, as of today's date of January 18, 2023, is \$2245.75 including the application filing fee of \$186.00.
- 2) The parties agree that the Tenants shall pay the total amount as noted in paragraph 1 according to the date and amount of each payment as follows:

| Amount to be paid | On or before       | Reason for payment  |
|-------------------|--------------------|---------------------|
| Lawful rent       | February 1, 2023   | February 2023 rent  |
| \$245.75          | February 20, 2023  | Arrears             |
| Lawful rent       | March 1, 2023      | March 2023 rent     |
| \$200.00          | March 20, 2023     | Arrears             |
| Lawful rent       | April 1, 2023      | April 2023 rent     |
| \$200.00          | April 20, 2023     | Arrears             |
| Lawful rent       | May 1, 2023        | May 2023 rent       |
| \$200.00          | May 20, 2023       | Arrears             |
| Lawful rent       | June 1, 2023       | June 2023 rent      |
| \$200.00          | June 20, 2023      | Arrears             |
| Lawful rent       | July 1, 2023       | July 2023 rent      |
| \$200.00          | July 20, 2023      | Arrears             |
| Lawful rent       | August 1, 2023     | August 2023 rent    |
| \$200.00          | August 20, 2023    | Arrears             |
| Lawful rent       | September 1, 2023  | September 2023 rent |
| \$200.00          | September 20, 2023 | Arrears             |
| Lawful rent       | October 1, 2023    | October 2023 rent   |
| \$200.00          | October 20, 2023   | Arrears             |
| Lawful rent       | November 1, 2023   | November 2023 rent  |
| \$200.00          | November 20, 2023  | Arrears             |
| Lawful rent       | December 1, 2023   | December 2023 rent  |
| \$200.00          | December 20, 2023  | Arrears             |

3) If the Tenants fail to make any of the payments in accordance with paragraph 2, and by the dates required, then:

- (a) The Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.
- (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.



**March 27, 2023**

**Date Issued**

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Claude Mbuyi  
Dispute Resolution Officer,  
Landlord and Tenant Board

Toronto South-RO  
15 Grosvenor Street, 1st 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.