



Oct 12, 2023

Landlord and Tenant Board

**Order under Section 69 / 88.2
Residential Tenancies Act, 2006**

Citation: Mcneilly v Howey-Parkins, 2023 ONLTB 66766

Date: 2023-10-12

File Number: LTB-L-008348-23

In the matter of: 30 ANN ST
DELHI ON N4B1H4

Between: Kim Mcneilly Landlords
Steven Mcneilly

And

Cassandra Howey-Parkins Tenants
Steven Moore

Kim Mcneilly and Steven Mcneilly (the 'Landlord's') applied for an order to terminate the tenancy and evict Cassandra Howey-Parkins and Steven Moore (the 'Tenants') because:

- the Tenants have been persistently late in paying the Tenants' rent.

Kim Mcneilly and Steven Mcneilly (the 'Landlords') also applied for an order requiring Cassandra Howey-Parkins and Steven Moore (the 'Tenants') to pay the Landlords' reasonable out-of-pocket expenses that are the result of the Tenants' failure to pay utility costs they were required to pay under the terms of the tenancy agreement.

The parties reached a proposed resolution agreement, and/or requested mediation, and informed the Board through the Online Dispute Resolution (ODR) Portal.

This application was mediated by videoconference on September 28, 2023 by a Dispute Resolution Officer with the Landlord and Tenant Board.

The Landlords and Tenant, Cassandra Howey-Parkins, who confirmed their permission to represent the interests of Tenant, Steven Moore, participated in mediation and agreed to an Order on Consent in full and final satisfaction of the application, and in so doing, understand their legal rights to a hearing on the merits of the matter have been waived.

I was satisfied that the terms of the agreement are consistent with the *Residential Tenancies Act, 2006*.

I was satisfied that the parties have provided their informed, independent, and voluntary consent.

The parties before the LTB consented to the following order:

It is agreed that:

1. The Landlords incurred costs of \$186.00 for filing the application and are entitled to reimbursement of those costs.
2. The Tenants failed to pay water utility costs that they were required to pay under the terms of the tenancy agreement.
3. The Landlords have incurred reasonable out-of-pocket expenses of \$495.72 as a result of the Tenants' failure to pay water utility costs.
4. The lawful rent, effective October 1, 2023, is \$863.05.
5. The Tenants owe \$602.00 to the Landlords for rent arrears up to September 30, 2023.
6. As a transitional measure, the Landlords permit the Tenants to pay new rent by the 20th day of each month, for the period from October 20, 2023 to September 20, 2024.
7. As part of this transitional measure, the Tenants will voluntarily pre-pay and permit the Landlords to collect and hold, without interest owing, a 1/12th portion of their lawful rent, by the 20th day of each month, for the period from October 20, 2023 to September 20, 2024.
8. At the end of this transitional period, the total pre-paid rent of \$863.05 collected by the Landlords from October 20, 2023 to September 20, 2024 will be applied to the Tenants' new rent owing for October 2024, by October 1, 2024.
9. Starting November 1, 2024, and for each month thereafter, the Tenants will pay new rent to the Landlords by the 1st day of each month.

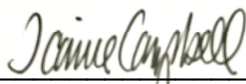
It is ordered on consent that:

1. For the period from October 20, 2023 to September 20, 2024, the Tenants shall pay to the Landlords new rent in full and on time, by the 20th day of each month.
2. The Tenants shall pay to the Landlords \$495.72, which represents the reasonable out-of-pocket expenses the Landlords have incurred or will incur as a result of the unpaid utility costs.
3. The Tenants shall also pay to the Landlords \$602.00 for arrears of rent to September 30, 2023.
4. The Tenants shall also pay to the Landlords \$186.00 for the cost of filing the application.
5. The total amount the Tenants owe the Landlords is \$1,283.72.
6. The Tenants shall pay to the Landlords the amount set out in paragraph 5 in accordance with Column C, as part of the following schedule:

		Column A	Column B	Column C	Column D
	DATE	Payment	= Monthly Rent Owing	+ Arrears, Utilities and Costs	+ Pre-Paid Rent
1	October 20, 2023	1,041.95	863.05	106.98	71.92
2	November 20, 2023	1,041.95	863.05	106.98	71.92
3	December 20, 2023	1,041.95	863.05	106.98	71.92
4	January 20, 2024	1,041.95	863.05	106.98	71.92
5	February 20, 2024	1,041.95	863.05	106.98	71.92
6	March 20, 2024	1,041.95	863.05	106.98	71.92
7	April 20, 2024	1,041.95	863.05	106.98	71.92
8	May 20, 2024	1,041.95	863.05	106.98	71.92
9	June 20, 2024	1,041.95	863.05	106.98	71.92
10	July 20, 2024	1,041.95	863.05	106.98	71.92
11	August 20, 2024	1,041.95	863.05	106.98	71.92
12	September 20, 2024	1,041.95	863.05	106.98	71.92
	TOTALS			1,283.76	863.04

7. Starting November 1, 2024, and for a 6-month period ending April 1, 2025, the Tenants shall pay to the Landlords new rent on time and in full as it comes due and owing, by the first day of each month.
8. If the Tenants fail to make any one of the payments in accordance with paragraph 6, and specifically, from Column C of the associated schedule, the outstanding balance of any arrears of rent, utilities and costs to be paid by the Tenants to the Landlords pursuant to paragraph 5 of this order shall become immediately due and owing and the Landlords may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, utilities and related costs that became owing after September 30, 2023.
9. If the Tenants fail to comply with the conditions as set out in paragraphs 1 and 7 of this order, the Landlords may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants. The Landlords must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenants.

October 12, 2023
Date Issued



 Janice Campbell
 Hearings Officer, 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.