



Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-34788-21

In the matter of: 20, 7 GREENTREE COURT
YORK ON M6M 2A6

Between: Eastmont Investments Landlord

and

Sharon Gardner Tenant

Eastmont Investments (the 'Landlord') applied for an order to terminate the tenancy and evict Sharon Gardner (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 10, 2022. The Landlord's Agent, Domenic Nesci attended the hearing. The Tenant attended the hearing.

At the hearing, the parties agreed:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from January 1, 2019 to January 31, 2022. Because of the arrears, the Landlord served a Notice of Termination effective September 19, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,263.46.
4. The Landlord collected a rent deposit of \$1,248.48 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from April 1, 2017 to October 1, 2021.
6. The parties agreed that the amount owing to January 31, 2022, inclusive of rent arrears (\$4,792.14) and costs (\$186.00) is \$4,978.14.

On consent of the parties, it is ordered that:

1. The Tenant shall pay the Landlord \$4,978.14, which represents the arrears of rent (\$4,792.14) and costs (\$186.00) for the rental period ending January 31, 2022.
2. The Landlord's application for eviction of the Tenant is denied on the condition that:
 - (a) The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:

| AMOUNT DUE | DUE DATE |
|------------|---|
| \$500.00 | 20 th day of each month, for 9 months, starting January 2022 to September 2022 |
| \$478.14 | October 20, 2022 |

- (b) The Tenant shall also pay the Landlord the rent for February 2022 to October 2022, in full, on or before the first day of each month.
3. If the Tenant does not make any of the payments required in paragraphs 1 or 2 in full and on time:
 - (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 Tenant, 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 condition set out in paragraph 2 or 3. This normally results in the LTB issuing an eviction order without a hearing being held.
 - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing payable shall bear interest at the post-judgement interest rate determined under subsection 207(7) of the Act.

February 9, 2022
Date Issued



Fabio Quattrociocchi
Member, Landlord and Tenant Board

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