



Order under Section 69 Residential Tenancies Act, 2006

Citation: 35 Valley Woods Road Apartments Limited c/o Realstar Management Partnership v Patel, 2023 ONLTB 16274

Date: 2023-01-26

File Number: LTB-L-027949-22

In the matter of: 111, 35 VALLEY WOODS RD TORONTO
ON M3A2R5

Between: 35 Valley Woods Road Apartments Limited Landlord c/o Realstar
Management Partnership

And

Dimple Patel Tenants Raj Patel

35 Valley Woods Road Apartments Limited c/o Realstar Management Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Dimple Patel and Raj Patel (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on January 17, 2023.

The Landlord's Representative, Faith McGregor and the Tenant, Raj Patel attended the hearing.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenants was still in possession of the rental unit.
3. The lawful rent is \$1,573.98. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$51.75. This amount is calculated as follows: \$1,573.98 x 12, divided by 365 days.
5. The Tenants has paid \$3,500.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$11,660.12.
7. There was no evidence led about the Landlord for administration charges.

File Number: LTB-L-027949-22

8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,702.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated. A credit of \$128.02 has been applied to the Tenants' arrears since it's unlawful for the deposit to be greater than monthly rent charge. The deposit has been adjusted to \$1,573.98.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to grant relief from eviction subject to the conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. The arrears began because of medical hospitalization which affected household income. The Tenants are both working and have income to afford new rent and arrears but needed extra time to catch up. The Tenants' proposed a reasonable payment plan to preserve the tenancy as follows:

It is ordered that:

1. The Tenants shall pay to the Landlord \$11,846.12 for arrears of rent up to January 31, 2023 and costs.
2. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) \$2,000.00 (arrears) on or before the 15th day of each month for a period of 5 months starting February 15, 2023 to June 15, 2023; and
 - b) \$1,846.12 on or before July 15, 2023.
3. The Tenants shall also pay to the Landlord new rent on time as it comes due and owing on the first day of each month for a period of 6 months starting February 1, 2023 to July 1, 2023, or until the arrears are paid in full, whichever date is earliest.

4. If the Tenants fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord 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, NSF fees and related charges that became owing after January 31, 2023.

January 26, 2023

Date Issued

Sandra Macchione

Member, Landlord and Tenants Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

File Number: LTB-L-027949-22

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