



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

**File Number:** EAL-96152-21

**In the matter of:** 709, 248 BRITTANY DRIVE  
OTTAWA ON K1K4R2

**Between:** Liuna Non For Profit Housing Corp. Landlord

**and**

Aisha Sanaye Tenant

Liuna Non For Profit Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Aisha Sanaye (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on September 29, 2021.

Only the Landlord's Legal Representative, Trevor Jacquard, attended the hearing. As of 10 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

**Determinations:**

1. The tenancy is month to month.
2. Rent is due on the first of each month.
3. In the last 12 months the Tenant has not paid rent in full by the first of the month 6 times.
4. The Tenant has persistently failed to pay the rent on the date it was due.
5. 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 condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.
6. At the hearing, the Landlord's Legal Representative requested a conditional order requiring the Tenant to pay the rent on time for a period of 12 months, failing which the Landlord seeks to reopen the application. However, upon further consideration and review of the Act, I find that the Board does not have authority to issue such a conditional

order. The remedy for a breach of the conditional order is found in section 78 of the Act which provides that the Landlord may, without notice to the Tenant, apply for an order terminating the tenancy or evicting the tenant. Although not requested by the Landlord, I find it appropriate to include a section 78 clause in this order. Otherwise, the Landlord would be left without a remedy if the Tenant breaches the conditions of this order.

**It is ordered that:**

1. The Landlord's application for eviction of the Tenant is denied on the condition that:
  - a) The Tenant shall pay the full monthly rent on or before the first business day of each month, commencing November 1, 2021 and for 12 months thereafter up to and including October 1, 2022.
2. If the Tenant fails to comply with the conditions set out in paragraph 1 above, then, within 30 days of the breach, 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. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 1 of this order.
3. The Tenant shall pay to the Landlord \$201.00 for the cost of filing the application.
4. If the Tenant does not pay the Landlord the full amount owing on or before November 9, 2021, the Tenant will start to owe interest. This will be simple interest calculated from November 10, 2021 at 2.00% annually on the balance outstanding.

**October 29, 2021**  
**Date Issued**

  
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Khalid Akram  
Member, Landlord and Tenant Board

Eastern-RO  
255 Albert Street, 4th Floor  
Ottawa ON K1P6A9

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