



Tribunals Ontario

Landlord and Tenant Board

ORDER ISSUED WHERE MERITS HEARD
AND RELIEF GRANTED PURSUANT TO SECTION 83
UTILIZING SECTION 78
Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-32425-21

In the matter of: 409, 22 TINDER CRESCENT
NORTH YORK ON M4A1L6

Between: 22 Tinder Inc.

Landlord

and

Crystal Powell

Tenant

22 Tinder Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Crystal Powell (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard together with the Tenant's applications, TNT-30188-21 and TNT-32956-21, by video conference December 09, 2021

22 Tinder Inc. was represented at the hearing by its owners Steven Bloom and Michael Langer. The Tenant attended the hearing along with her representative Yasmin Van Maurik.

Determinations:

1. The parties agree the total rent arrears owing is \$6349.98.
2. The Tenant submitted the Notice of Termination (the 'N4') is invalid. Without a valid N4 the Board would have no ability to order eviction. The Tenant representative submitted that the N4 is incorrect because it lists the monthly rental the rental period commences the 13th day of each month. This is contrary to what was listed on the N4.
3. The Tenant's evidence does not support her position. The Tenant testified she is not home a lot of the time and pays rent on different dates every month. There were times where she paid rent on the 1st day of the month. On several occasions she paid in the middle of the month, and sometimes she paid after

the 20th day of the month. This does not suggest rent was due on the 13th of the month. Rather, it is indication the Tenant was persistently late with her rent payments. I find lawful rent is due on, or before, the first day of each month. Accordingly, the Notice of Termination does not erroneously state the arrears owing.

4. As a result of Order TNT-30188-21 the Landlord owes the Tenant \$4,984.21 The money owing shall be applied to the rent arrears owing. As a result, the rent arrears owing to December 31, to the Landlord is \$1365.77
5. The Tenant shall pay the Landlord \$186 for cost of filing this application.
6. The total amount owing to the Landlord is \$1551.88.
7. 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.

It is ordered that:

1. The Tenant shall pay the Landlord \$1551.88 for arrears (\$1365.77) up to August 15th, 2022 and application costs (\$186).
2. The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:

Date Payment Due	Amount of Payment
January 15, 2022	\$151.88 (arrears)
February 15, 2022	\$200 (arrears and costs)
March 15, 2022	\$200 (arrears)
April 15, 2022	\$200 (arrears)
May 15, 2022	\$200 (arrears)
June 15, 2022	\$200 (arrears)
July 15, 2022	\$200 (arrears)
August 15, 2022	\$200 (arrears)

3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period January 1, 2022 to August 1, 2022, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenant 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 Tenant to the Landlord pursuant to paragraph 1 or 2 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant apply to the Board pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after January 07, 2022.

January 07, 2022
Date Issued



Bryan Delorenzi
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.