



Aug 28, 2023

Landlord and Tenant Board

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

Citation: Tang v Romain-Santos, 2023 ONLTB 59131

Date: 2023-08-28

File Number: LTB-L-026091-23

In the matter of: 1620, 275 VILLAGE GREEN SQ
SCARBOROUGH ON M1S0L8

Between: Zi Shuan Tang Landlord

And

Mikaila Romain-Santos Tenant

Zi Shuan Tang (the 'Landlord') applied for an order to terminate the tenancy and evict Mikaila Romain-Santos (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

The Landlord's legal representative, Pui Sze (Cynthia) Cheung and the Tenant attended the hearing.

Determinations:

1. The Landlord served the Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$1,730.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$56.88. This amount is calculated as follows: \$1,730.00 x 12, divided by 365 days.
5. The Tenant has paid \$2,000.00 to the Landlord since the application was filed.
6. The rent arrears owing to August 31, 2023 are \$10,110.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,730.00 from the Tenant 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.
9. Interest on the rent deposit, in the amount of \$69.70 is owing to the Tenant for the period from July 1, 2021 to August 17, 2023.

10. The Tenant submitted that she lost her job in January 2023. She is now employed and applied to the Rent Bank for assistance. According to the Tenant she will receive \$4,000.00 from the Rent Bank. As such, the Tenant proposed to pay the Landlord \$6,000.00 by September 15, 2023; this amount includes the rent for September 2023. The Tenant further proposed to pay \$1,000.00 each month from October 2023 to February 2024 in addition to her monthly rent to pay off the arrears. The Tenant proposed to make this payment in biweekly instalments due on the 10th and 20th day of the month.
11. The Landlord's legal representative opposed the Tenant's proposal stating that the Tenant's non-payment is causing the Landlord financial hardship.
12. 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, in order to give the Tenant a chance to save her tenancy.

It is ordered that:

1. The Tenant shall pay the Landlord **\$10,296.00** which represents the total rent the Tenant was required to pay to August 31, 2023 including the Landlord's application filing fee.
2. The Tenant shall pay the amount set out in paragraph 1 above by paying the Landlord
\$4,270.00 On or before **September 15, 2023** and
\$500.00 on or before the **10th and the 20th day** of each and every month starting October 10, 2023 up to and including March 10, 2024, and
\$526.00 on or before **March 20, 2024**.
3. The Tenant shall **also** pay her **monthly rent** to the Landlord as it comes due on or before the 1st day of the month starting September 1, 2023 until March 1, 2024 or until the arrears are paid in full.
4. If the Tenant fails to make any one of the payments pursuant to this this order, in full and on time, the Landlord may apply under section 78 of the Act, without notice to the Tenant for an order terminating the tenancy and evicting the Tenant. The Landlord must make this application no later than 30 days after the Tenant's failure to make a payment. As part of the application, the Landlord can also request an order for rent that became owing after the date of this order and NSF cheque fees and related administration charges.



August 28, 2023
Date Issued

Jana Rozehnal
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.