



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

Citation: MEDALLION CORPORATION v Navia, 2023 ONLTB 17388

Date: 2023-01-30

File Number: LTB-L-027951-22

In the matter of: 805, 171 MAIN ST N BRAMPTON
ON L6X0H4

Between: MEDALLION CORPORATION Landlord

And

Leonor Navia Tenant

MEDALLION CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict Leonor Navia (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

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

Only the Landlord's legal representative M. Jelic, attended the hearing.

The hearing was scheduled for 1 p.m. As of 2:30 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

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 \$1,492.47. It is due on the 1st day of each month.
4. The Tenant has paid \$11,915.70 to the Landlord since the application was filed.
5. The rent arrears owing to January 31, 2023 are \$2,991.31.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

7. The Landlord collected a rent deposit of \$1,473.42 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.

Order Page: 1 of 2

File Number: LTB-L-027951-22

8. The parties concluded a payment agreement prior to the date of the hearing. The Tenant made the first scheduled payment on or before January 16, 2023. The Landlord's legal representative had documentary evidence of the agreement between the parties about repayment of the arrears.
9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and I 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. These conditions are those that were agreed by the parties prior to the hearing.

It is ordered that:

1. The Tenant shall pay to the Landlord \$3,177.31 arrears and costs owing up to January 31, 2023.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - (a) Commencing February 2023, and continuing each month up to and including June 2023, \$530.00 on or before the 20th day of each of those months, respectively,
 - (b) The balance of \$527.31 on or before July 20, 2023.
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 February 2023, up to and including July 2023, or until the arrears are paid in full, whichever 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 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pays any new arrears, NSF fees and related charges that became owing after January 31, 2023.

January 30, 2023

Date Issued

Nancy Morris

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto
ON M7A 2G6

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

Order Page: 2 of 2