

Order under Section 78(6)
Residential Tenancies Act, 2006

File Number: TEL-84644-17

In the matter of: UPPER, 162 HUMMINGBIRD DRIVE
SCARBOROUGH ON M1X1Y1

Between: Jagdeshwar Narain

I hereby certify this is a true copy of the Order

(Name of Document)

Landlord



(Vargie Mata)

(Signature of Staff Member)

and

David King
Janine King

OCT 30 2017

LANDLORD AND TENANT BOARD

Tenants

Jagdeshwar Narain (the 'Landlord') applied for an order to terminate the tenancy and evict Janine King and David King (the 'Tenants') and for an order to have the Tenants pay the rent and compensation they owe because they failed to meet a condition specified in mediated agreement TEL-81854-17 issued on July 19, 2017.

This application was heard in Toronto on October 25, 2017.

The Landlord and the Tenants' representative, Patrea McConvey and the Tenant Janine King attended the hearing.

Determinations:

1. The mediated agreement provided that the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if they did not meet certain condition(s) specified in the order.
2. The Tenants failed to make a payment of \$250.00 on July 20, 2017. At the time of the hearing, the Tenants owe the Landlord \$3,037.22 which represents the rent arrears and compensation up to and including October 31, 2017.
3. The Tenant testified that they were facing some financial difficulties, The Tenant testified that her husband did not work till August 2017 but now her husband gets paid every other Thursday.
4. The Tenant proposed to pay to the Landlord \$1,750.00 immediately and pay \$250.00 every other Thursday until \$1,287.22 the balance of rent arrears are paid in full.

5. The Landlord did not accept the Tenants' payment plan and the Landlord testified that the original rent was \$1,800.00 per month and the Landlord has reduced the monthly rent to \$1,500.00 to help the Tenants.
6. I find that Tenant's payment plan was reasonable and decided to give the Tenants one more chance and determined at the hearing to issue this order.
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 condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

It is ordered that:

1. The Tenants shall pay the Landlord \$1,750.00 on or before October 26, 2017 by guaranteed funds.
2. Commencing November 2, 2017, the Tenants shall pay the Landlord in guaranteed funds \$250.00 every other Thursday until all of the rent arrears are paid in full.
3. The Tenants shall also pay the Landlord the rent for the month of November 2017, no later than November 1, 2017 and the rent for the month of December 2017, no later than December 1, 2017.
4. If the Tenants fail to make any of the payments as set out in paragraphs in this order, the Landlord may apply under section 78 of the Act, within 30 days of the breach, without notice to the Tenants, for an order terminating the tenancy and evicting the Tenants.

October 30, 2017
Date Issued


Gobinder Randhawa
Member, Landlord and Tenant Board

Toronto East-RO
2275 Midland Avenue, Unit 2
Toronto ON M1P3E7

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