



Order under Section 69
Residential Tenancies Act, 2006

File Number: HOL-09578-21

In the matter of: 1712, 188 CUMBERLAND STREET
TORONTO ON M6R0B6

Between: Peter Hok-Hym Chong Landlord
and
Huri Khus Tenant

Peter Hok-Hym Chong (the 'Landlord') applied for an order to terminate the tenancy and evict Huri Khus (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 13, 2021. As of 2:27 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board. The Landlord's Legal Representative, Richard Hissey attended the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from October 1, 2020 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1,900.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$1,900.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from October 1, 2020 to January 30, 2021.
7. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant, 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.

The Landlord and the Tenant agreed to a payment plan as set out below prior to the hearing..

It is ordered that:

- 1. The Tenant shall pay to the Landlord \$17,286.00, which represents the arrears of rent and costs outstanding for the period ending July 31, 2021.
- 2. The Landlord’s application for eviction of the Tenant is denied on the condition that:
 - (a) 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
July 16, 2021	\$8,000.00 (costs and arrears)
August 1, 2021	\$1,000.00 (arrears)
September 1, 2021	\$1,000.00 (arrears)
October 1, 2021	\$1,000.00 (arrears)
November 1, 2021	\$1,000.00 (arrears)
December 1, 2021	\$1,000.00 (arrears)
January 1, 2022	\$1,000.00 (arrears)
February 1, 2022	\$1,000.00 (arrears)

2021 CanLII 103159 (ON LTB)

March 1, 2022	\$1,000.00 (arrears)
April 1, 2022	\$1,000.00 (arrears)
May 1, 2022	\$286.00 (arrears)

(b) The Tenant shall also pay the Landlord the rent for the months of August 2021 up to and including May 2022 in full, on or before the first day of each corresponding month.

3. If the Tenant fails to make any of the payments in accordance with paragraph 2, and by the dates required, then:
 - (a) 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, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.
 - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.



Renee Lang
Member, Landlord and Tenant Board

July 23, 2021
Date Issued

Head Office
777 Bay Street, 12th Floor
Toronto Ontario M5G2E5

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

