



Order under Section 87(1)
Residential Tenancies Act, 2006

File Number: TNL-28924-20

In the matter of: 06, 46 FOXDEN ROAD
TORONTO ON M3C2A9

Between: O'Shanter Development Company Ltd. Landlord

and

Peter Lulic Tenants
Summer Le Lai Liang

O'Shanter Development Company Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Summer Le Lai Liang and Peter Lulic (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by way of a video conference hearing on June 7, 2021. The Landlord's Legal Representative, E. Ferguson, attended the hearing on behalf of the Landlord. As of 1:51 p.m., the Tenants were not present or represented at the hearing, although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from March 1, 2020 to June 30, 2021.
2. The Tenants are in possession of the rental unit.
3. The current monthly rent is \$1,354.48.
4. The total amount outstanding to to June 30, 2021, inclusive of rent arrears (\$4,023.15) and the application filing fee (\$186.00), is \$4,209.15.
5. The Landlord submitted evidence of an agreement signed by both parties, whereby the parties agree to resolve this application by way of a payment plan which is reflected in this order, according to which the Tenants shall pay the arrears in full, as well as the application filing fee, to the Landlord. The Landlord's Legal Representative submitted that the Tenants were adhering to the payment plan agreed by the parties as they had already paid the rent and the arrears payments for June 2021 prior to the hearing.

6. I have considered all of the disclosed circumstances in accordance with section 83 of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of the COVID-19 pandemic upon the parties and whether the Landlord has attempted to negotiate a payment plan, 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.
7. Due to delays in the issuing of this order, the date for the payments scheduled for July 2021 have been extended. The remainder of the payment plan is unchanged.

It is ordered that:

1. The Tenants shall pay to the Landlord 4,209.15, which represents the rent arrears (\$4,023.15) and the application filing fee (\$186.00), outstanding for the period ending June 30, 2020.
2. The Landlord's application for eviction of the Tenants is denied on the condition that:
 - (a) The Tenants 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 31, 2021	\$500.00 (application filing fee and arrears)
August 15, 2021	\$500.00 (arrears)
September 15, 2021	\$500.00 (arrears)
October 15, 2021	\$500.00 (arrears)
November 15, 2021	\$500.00 (arrears)
December 15, 2021	\$500.00 (arrears)
January 15, 2022	\$500.00 (arrears)
February 15, 2022	\$500.00 (arrears)
March 15, 2022	\$209.15 (arrears)

- (b) If the Tenants have not done so already, the Tenants shall pay their lawful monthly rent for the month of July 2021 on or before July 31, 2021.

- (c) Commencing on August 1, 2021 and continuing until the arrears are paid in full, the Tenants shall also pay the lawful monthly rent on or before the first day of each corresponding month.
3. If the Tenants fail 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 Act for an order terminating the tenancy and evicting the Tenants, 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 at an interest rate of 2.00% per annum.

July 22, 2021
Date Issued



Arnab Quadry
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.