



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-48813-21

In the matter of: 649 TEMPLE STREET
SARNIA ON N7T6Z1

Between: Bill Aiken Landlord

and

Mary Lucas Tenant

Bill Aiken (the 'Landlord') applied for an order to terminate the tenancy and evict Mary Lucas (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on July 8, 2021.

The Landlord's Legal Representative, Theodore Smith attended the hearing. As of 10:05 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from November 1, 2020 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective January 22, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,550.00.
4. The Tenant paid \$8,550.00 after the application was filed.
5. The Landlord collected a rent deposit of \$1,550.00 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 July 8, 2020 to January 22, 2021.
7. The arrears and costs owing to July 31, 2021 total \$5,586.00.
8. The Landlord seeks an order with terms of a repayment plan that was discussed and agreed with the Tenant prior to the hearing.

9. The Landlord is not seeking reimbursement of the application filing fee, bringing the arrears owing to July 31, 2021 to \$5,400.00.
10. The Landlord's request is granted as it benefits the Tenant by providing greater than the standard eleven days to repay the arrears and preserve their tenancy.
11. 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 Tenant shall pay to the Landlord \$5,400.00, which represents the arrears of rent 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
August 15, 2021	\$225.00 (costs & arrears)
September 15, 2021	\$225.00 (arrears)
October 15, 2021	\$225.00 (arrears)
November 15, 2021	\$225.00 (arrears)
December 15, 2021	\$225.00 (arrears)
January 15, 2022	\$225.00 (arrears)
February 15, 2022	\$225.00 (arrears)
March 15, 2022	\$225.00 (arrears)
April 15, 2022	\$225.00 (arrears)
May 15, 2022	\$225.00 (arrears)
June 15, 2022	\$225.00 (arrears)
July 15, 2022	\$225.00 (arrears)
August 15, 2022	\$225.00 (arrears)

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October 15, 2022	\$225.00 (arrears)
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April 15, 2023	\$225.00 (arrears)
May 15, 2023	\$225.00 (arrears)
June 15, 2023	\$225.00 (arrears)
July 15, 2023	\$225.00 (arrears)

(b) The Tenant shall also pay the Landlord the rent for the months of August 2021 up to and including July 2023 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.



Sonia Anwar-Ali
Member, Landlord and Tenant Board

July 22, 2021
Date Issued

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