



Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-16318-20

In the matter of: 607, 209 OAKLAND DRIVE
HAMILTON ON L8E1B8

Between: EIWO Canadian Management Ltd

Landlord

And

Matt Lucas
Rebecca Crocker

Tenants

EIWO Canadian Management Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Matt Lucas and Rebecca Crocker (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 16, 2021.

Only the Landlord's legal representative Scott Robson attended the hearing.

The Tenants were not present or represented at any time during the hearing block although properly served with notice of the hearing by the Board.

Determinations:

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from May 1, 2020 to April 30, 2021. Because of the arrears, the Landlord served a Notice of Termination with a termination date of February 16, 2020.
2. The Tenants are in possession of the rental unit.
3. The lawful monthly rent was \$1,125.00 until it decreased to \$1,117 effective January 1, 2021.
4. The Tenants paid \$7,267.00 after the Landlord filed the application.
5. The Tenants have not paid \$5,500.71 of the total rent they were required to pay for the period ending April 30, 2021.
6. The Tenants also owe the Landlord \$186.00 for the cost of filing the application.

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.
8. I reached this conclusion after considering the following. The Landlord's representative testified that the Landlord and the Tenants have attempted to negotiate terms of payment for the Tenants arrears. Although the parties signed a written plan, the Tenants ultimately did not satisfy the terms agreed upon. After continued discussions, the Tenants advised the Landlord's representative that they could afford to pay the rent as well as a payment towards the arrears of \$600.00 every month on the last day of the month. Although the Landlord's representative encouraged the Tenants to attend today's hearing, this did not occur. The Landlord therefore requested an order from the Board granting conditional relief from eviction on similar terms. In my view, this is the appropriate outcome as it is more favourable to the Tenants than the alternative, which would be an order terminating the tenancy and evicting the Tenants.

2021 CanLII 95641 (ON LTB)

It is ordered that:


1. The Tenants shall pay to the Landlord \$5,686.71, which represents the arrears of rent (\$5,500.71) and costs (\$186.00) outstanding for the period ending April 30, 2021.
2. The Landlord's application for eviction of the Tenants is denied on the condition that:
 - (a) The Tenants shall pay to the Landlord the lawful rent for May 2021 and June 2021 on or before June 30, 2021.
 - (b) The Tenants shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order, on or before the specified dates:

Date Payment Due	Amount of Payment
June 30, 2021	\$600.00
July 31, 2021	\$600.00
August 31, 2021	\$600.00
September 30, 2021	\$600.00
October 31, 2021	\$600.00
November 30, 2021	\$600.00
December 31, 2021	\$600.00
January 31, 2022	\$600.00
February 28, 2022	\$600.00
March 31, 2022	\$286.71
Total of Payments:	\$5,686.71

- (c) Until the amount set out in paragraph 1 is paid to the Landlord in full, the Tenants shall also pay to the Landlord the lawful monthly rent in full and on time on or before the first of the month, commencing July 1, 2021.
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 simple interest calculated at 2.00% annually on the balance outstanding.

June 8, 2021
Date Issued

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7



Douglas Wilkins
Member, Landlord and Tenant Board

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