

Order under Section 69
Residential Tenancies Act, 2006

File Number: TEL-16598-21

In the matter of: 64 TRUDEAU DRIVE E
BOWMANVILLE ON L1C4K3

Between: Steffen Lindenthal Landlord

and

Rob Zawaski Tenant

Steffen Lindenthal (the 'Landlord') applied for an order to terminate the tenancy and evict Rob Zawaski (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard via videoconference on June 23, 2021.

The Landlord and the Tenant attended the hearing.

The Tenant was assisted by Kim Gabriel.

Determinations:


1. The Tenant has not paid the total rent the Tenant was required to pay for the period from December 1, 2020 to June 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective April 23, 2021.
2. The Tenant is in possession of the rental unit.
3. The monthly rent is \$1450.00.
4. The Tenant has made no payment to the Landlord since the application was filed.
5. The Landlord is not holding a last month's rent deposit in the amount of \$1450.00.
6. The Landlord paid \$186.00 to file the application with the Board and the Tenant shall reimburse the Landlord for the cost.
7. The Tenant confirmed the total rent owing to June 30, 2021 is \$10,150.00.

8. The Tenant requested the Board grant relief under section 83 of the Act and impose a repayment plan that will allow him repay to the Landlord the money he owes while preserving the tenancy. Specifically, he stated he could pay \$4500.00 on or before July 01, 2021 then moving forward, pay his rent plus an additional \$500.00 each month until the debt is paid in full. He said he has been late paying his rent but always paid prior to Covid-19. He is a contractor and was unable to enter people's homes to work. However, he has started working again and is sure he will have no further difficulties as he has a lot of work lined up.
9. 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. To reduce the prejudice to the Landlord, the relief is subject to section 78 of the Act which allows the Landlord to file for eviction if the Tenant misses any of the payments set out in this order.

It is ordered that:

1. The Tenant shall pay to the Landlord \$10,336.00 representing rent arrears (\$10,150.00) and costs (\$186.00 filing fee) owing to June 30, 2021 upon the following terms:
 - On or before July 01, 2021 the minimum sum of \$3050.00.
 - Effective August 01, 2021 and on or before the 1st day of each consecutive month thereafter until the debt is paid in full, the minimum sum of \$500.00.
2. Effective July 01, 2021 and continuing on or before the first day in each consecutive month that follows, the Tenant shall pay the Landlord the full amount of the lawful monthly rent until the debt is paid in full.
3. In the event that the Tenant fails to make any of the above said payments in full and on time, the entire balance of the amount set out in this Order shall become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenant, for an order terminating the tenancy and evicting the Tenant and for any arrears that have become due after the date of this Order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

June 30, 2021
Date Issued



Troy Rossignol
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.