



Order under Section 69
Residential Tenancies Act, 2006

File Number: TSL-22480-21

In the matter of: BASEMENT, 151 GILLARD AVE AVENUE
TORONTO ON M4J4N7

Between: Ferdous Islam Landlord

and

Matthew McInnis Tenant

Ferdous Islam (the 'Landlord') applied for an order to terminate the tenancy and evict Matthew McInnis (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 17, 2021. The Landlord and the Tenant attended the hearing.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2021 to November 30, 2021. Because of the arrears, the Landlord served a Notice of Termination effective May 27, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,150.00.
4. The Tenant has made no payments since the application was filed.
5. The Landlord collected a rent deposit of \$1,100.00 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 November 1, 2017 to May 27, 2021.
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.

It is ordered that:

1. The Tenant shall pay to the Landlord \$9,336.00, which represents the arrears of rent (\$9,150.00), and costs (\$186.00) outstanding for the period ending November 30, 2021.
2. The Landlord's application for eviction of the Tenant is denied on the condition that:
 - The Tenant shall pay \$600.00 to the Landlord on or before the 15th of each month commencing on December 15, 2021, up to and including February 15, 2022.
 - The Tenant shall pay \$336.00 to the Landlord on or before March 15, 2023.
 - The Tenant shall also pay the Landlord the rent for the months of December 2021 up to and including March 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.

December 17, 2021
Date Issued



Greg Brocanier
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.