



Order under Section 69  
**Residential Tenancies Act, 2006**

**File Number:** CEL-97228-20

**In the matter of:** 703, 95 PAISLEY BOULEVARD W  
MISSISSAUGA ON L5B1E7

**Between:** IMH Pool IV LP Landlords  
Metcap Living Management Inc.

**and**

Ashan Hackett Tenant

IMH Pool IV LP and Metcap Living Management Inc. (the 'Landlords') applied for an order to terminate the tenancy and evict Ashan Hackett (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard in by tele/videoconference on June 21, 2021. The Landlord's Legal Representative, Cathy Yang 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 March 1, 2020 to June 30, 2021. Because of the arrears, the Landlords served a Notice of Termination effective November 11, 2020.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,599.43.
4. The Landlords collected a rent deposit of \$1,599.43 from the Tenant and this deposit is still being held by the Landlords.
5. Interest on the rent deposit is owing to the Tenant for the period from January 1, 2020 to November 11, 2020.
6. The Tenant paid \$7,100.00 after the application was filed.
7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the current COVID-19 pandemic, 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. In this regard, I considered the fact that the Tenant lost work because of the COVID 19 pandemic, that he was subsequently injured at work resulting in more lost income, that the Tenant has now returned to work and has increased income, and

that the Tenant has been making payments towards the arrears, including one month of rent a few days prior to the hearing.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$10,476.31, which represents the arrears of rent (\$10,290.31) and costs (\$186.00) outstanding for the period ending June 30, 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
July 16, 2021	\$700.00 (costs and arrears)
August 16, 2021	\$700.00(arrears)
September 16, 2021	\$700.00(arrears)
October 16, 2021	\$700.00(arrears)
November 16, 2021	\$700.00(arrears)
December 16, 2021	\$700.00(arrears)
January 16, 2022	\$700.00(arrears)
February 16, 2022	\$700.00(arrears)
March 16, 2022	\$700.00(arrears)
April 16, 2022	\$700.00(arrears)
May 16, 2022	\$700.00(arrears)
June 16, 2022	\$700.00(arrears)
July 16, 2022	\$700.00(arrears)
August 16, 2022	\$700.00(arrears)
September 15, 2022	\$676.31(arrears)

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- (b) The Tenant shall also pay the Landlord the rent for the months of July 1, 2021 up to and including September 1, 2022 in full, on or before the second day of each corresponding month. The rent will resume being due on the first of each month when the payment plan has been completed.
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.



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Richard Ferriss  
Member, Landlord and Tenant Board

**June 28, 2021**  
**Date Issued**

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3 Robert Speck Pkwy, 5th Floor  
Mississauga ON L4Z2G5

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