



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

Citation: Skyline Living v St.pierre, 2023 ONLTB 16263

Date: 2023-01-25

File Number: LTB-L-028055-22

In the matter of: 104, 817 DEVINE ST
SARNIA ON N7T1X3

Between: Skyline Living Landlord

And

Brittany St.Pierre Tenants Gray-Sky Joe

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Brittany St.Pierre and Gray-Sky Joe (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on January 17, 2023.

The Landlord's Agent, Maria Ceglie and the Tenants attended the hearing.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenants was still in possession of the rental unit.
3. The lawful rent is \$1,053.30. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$34.63. This amount is calculated as follows: $\$1,053.30 \times 12$, divided by 365 days.
5. The Tenants has paid \$5,234.26 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2023 are \$5,298.74.

7. The Landlord is not entitled to \$200.00 to reimburse the Landlord for administration charges the Landlord incurred as a result of pre-authorized payments. The language in Section 87(5) of the *Residential Tenancies Act, 2006* (the 'Act') is express and unambiguous and only allows for "NSF cheques".

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8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,051.46 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
10. Interest on the rent deposit, in the amount of \$25.28 is owing to the Tenants for the period from February 1, 2022 to January 17, 2023.
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 pursuant to subsection 83(1)(a) of the Act. The Landlord's Agent agreed to the Tenant's proposed payment plan.

It is ordered that:

1. The Tenant shall pay to the Landlord \$5,484.74 for arrears of rent up to January 31, 2023 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) \$473.72 (arrears) on or before the 21st day of each month for a period of 11 months starting February 21, 2023 to December 21, 2023; and
 - b) \$273.82 (balance of arrears) on or before January 21, 2024.
3. The Tenant shall also pay to the Landlord new rent on time as it comes due and owing on the first day of each month, for a period of 12 months, starting February 2023 to January 2024, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenant fails to make any one of the payments in accordance with this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing

and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after January 31, 2023.

January 25, 2023

Date Issued

Sandra Macchione
Member, Landlord and Tenants Board

15 Grosvenor Street, Ground Floor Toronto
ON M7A 2G6

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

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