



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

**File Number:** HOL-11632-21

**In the matter of:** 2304, 1410 DUPONT STREET  
TORONTO ON M6H0B6

**Between:** Zahra Properties Landlord

**and**

Yohana Avendano Tenant

Zahra Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Yohana Avendano (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed NSF cheque charges and related administration charges.

This application was heard by videoconference on November 4, 2021. The Landlord's Legal Representative, Bill Burd 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 23, 2021 to November 22, 2021. Because of the arrears, the Landlord served a Notice of Termination effective August 3, 2021.
2. The Landlord incurred charges of \$15.00 for cheques tendered by or on behalf of the Tenant, which were returned NSF and \$60.00 for related administration charges
3. The Tenant is in possession of the rental unit.
4. The lawful monthly rent is \$2,657.20.
5. The Tenant paid \$5,314.40, after the application was filed.
6. The Landlord collected a rent deposit of \$2,700.00 from the Tenant and this deposit is still being held by the Landlord.
7. Interest on the rent deposit is owing to the Tenant for the period from December 24, 2019 to August 3, 2021.
8. 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 \$14,699.20, which represents the arrears of rent (\$14,438.20), NSF fees (\$75.00) 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 \$900.00 to the Landlord on or before the 1st of each month commencing on December 1, 2021, up to and including March 1, 2023.
  - The Tenant shall pay \$299.20 to the Landlord on or before April 1, 2023.
  - The Tenant shall also pay the Landlord the rent for the months of December 2021 up to and including April 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 1, 2021**

**Date Issued**

Head Office  
777 Bay Street, 12th Floor  
Toronto Ontario M5G2E5



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Greg Brocanier  
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.