



ORDER ISSUED WHERE MERITS HEARD  
AND RELIEF GRANTED PURSUANT TO SECTION 83  
UTILIZING SECTION 78  
**Residential Tenancies Act, 2006**

**File Number:** SOL-20024-21

**In the matter of:** 163 WEIR STREET N  
HAMILTON ON L8H 5G1

**Between:** Ontario Aboriginal Housing Services Landlord

**and**

Crystal Bomberry Tenants  
Kenneth Bomberry

Ontario Aboriginal Housing Services (the 'Landlord') applied for an order to terminate the tenancy and evict Kenneth Bomberry and Crystal Bomberry (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by video hearing on July 6, 2021. Only the Landlord, through the attendance of Landlord's Legal Representative Robert Forster, attended the hearing.

**It is determined that:**

1. The Tenants have not paid the total rent the Tenants were required to pay for the period from February 1, 2018 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination.
2. The Tenants owe \$540.80\* in arrears of rent to July 31, 2021. The Tenants also owe the Landlord \$186.00 for the cost of filing the application.
3. \*There is a history of these Tenants presenting rent cheques that are dishonoured. A payment dated July 1, 2021, in the amount of \$144.00, that has not yet cleared the Landlord's financial institution has **not** been credited to the Tenants in this order. However, if this \$144.00 does clear or has cleared, the amounts stated as owing and due in this order are reduced by this same \$144.00.
4. The total amount owing is \$726.80.
5. 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 conditions set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act.

**It is ordered that:**

1. The Tenants shall pay the Landlord \$726.80 of arrears and the filing fee as follows:
  - a) \$242.26 on or before September 15, 2021;
  - b) \$242.27 on or before October 15, 2021; and
  - c) \$242.27 on or before November 15, 2021.
2. The Tenants shall also pay the Landlord rent owing for the months of July and August 2021 on or before August 31, 2021 (\*if the above cheque tendered July 1<sup>st</sup> has cleared, July has been paid).
3. The Tenants shall also pay the Landlord the rent for September 2021 on or before September 21, 2021.
4. The Tenants shall also pay the Landlord the rent owed for the month of October 2021 on or before October 5, 2021.
5. The Tenants shall also pay the Landlord the rent owed for the month of November 2021 on or before November 1, 2021.
6. If the Tenants 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 Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants apply to the Board pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants.



**August 24, 2021**

**Date Issued**

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Donald MacVicar

Member, Landlord and Tenant Board

Southern-RO  
119 King Street West, 6th Floor  
Hamilton ON L8P4Y7

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