



Order under Section 78(11)
Residential Tenancies Act, 2006

File Number: CEL-01420-21-SA

In the matter of: 96 WILLIAM F BELL PKWY
RICHMOND HILL ON L4S0K7

Between: Yuliu (aka Sandy) Chen Landlord

and

Tamara (aka Tamaica) Mckay Tenant

Yuliu (aka Sandy) Chen (the 'Landlord') applied for an order to terminate the tenancy and evict Tamara (aka Tamaica) Mckay (the 'Tenant') and for an order to have the Tenant pay the rent the Tenant owes because the Tenant failed to meet a condition specified in the order issued by the Board on July 9, 2021 with respect to application HOL-09045-20.

The Landlord's application was resolved by order CEL-01420-21, issued on July 23, 2021. The Tenant filed a motion to set aside order CEL-01420-21.

This motion was heard in video conference room 101 on October 13, 2021.

The Landlord, the Landlord's representative, J. Situ, and the Tenant attended the hearing.

Determinations:

1. The Tenant agreed at the set aside hearing that she did not pay \$5,000.00 to the Landlord on June 25, 2021, \$500.00 to the Landlord on July 2, 2021 and rent for July 2021 to the Landlord on July 3, 2021. The Tenant therefore breached the July 9, 2021 conditional Board order that was issued on the parties' consent.
2. The Tenant requested relief from eviction. The Tenant gave evidence of her belief that she is able to pay \$25,856.00, which is the amount she owes the Landlord for the period ending November 2, 2021. Rent of \$2,900.00 will come due and payable on November 3, 2021.
3. The Tenant testified that she paid \$8,400.00 to the Landlord between June 25, 2021 and July 12, 2021. The Tenant also at first testified that her come is \$4,300.00 a month. The Tenant, however, later testified that she was able to pay \$8,400.00 because she had received an advance payment from her employer. To re-pay that amount, the Tenant's monthly income has been reduced to \$2,800.00.
4. I find from the evidence that the Tenant is not able to afford the monthly rent of \$2,900.00 and other essential monthly costs, including the Tenant's proposal of \$500.00 a month

toward the amount in paragraph 2, above. The Tenant agreed that she has not made a payment to the Landlord since July 12, 2021.

5. It is therefore not appropriate to grant the Tenant's request to set aside the July 23, 2021 order.
6. The Tenant asked that she be permitted to remain at the rental unit until January 2022. The Tenant, however, agreed that she has not started looking for a rental unit, because she had hoped to arrive at a payment plan with the Landlord.
7. In the circumstances, I find it is not unfair to postpone lifting the stay until November 30, 2021, to give the Tenant some time to find new accommodation. Despite knowing her own financial circumstances, the Tenant has not shown reasonable diligence in preparing to vacate the unaffordable rental unit. It would be inappropriate in this circumstance to extend the occupancy beyond November 30, 2021.

It is ordered that:

1. The motion to set aside Order CEL-01420-21, issued on July 23, 2021, is denied.
2. The stay of order CEL-01420-21 is lifted as of November 30, 2021.



Harry Cho
Member, Landlord and Tenant Board

October 25, 2021

Date Issued

Central-RO
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.