



Order under Section 69
Residential Tenancies Act, 2006

File Number: TNL-24335-20

In the matter of: 402, 3000 YONGE STREET
TORONTO ON M4N2K5

Between: Oshant ER Development Company Ltd Landlord

and

Cynthia Ramos Tenant

Oshant ER Development Company Ltd (the 'Landlord') applied for an order to terminate the tenancy and evict Cynthia Ramos (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on October 28, 2020. The Landlord's Legal Representative Eric Ferguson attended the hearing. As of 9:25 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from December 1, 2019 to October 31, 2020. Because of the arrears, the Landlord served a Notice of Termination effective December 28, 2019.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1088.14.
4. The Landlord collected a rent deposit of \$1,075.00 from the Tenant and this deposit is still being held by the Landlord.
5. Interest on the rent deposit is owing to the Tenant for the period from January 1, 2020 to December 28, 2019.
6. The Tenant paid \$7,276.28 after the application was filed.
7. The Landlord requested a repayment plan on behalf of the Tenant wherein the Tenant would pay the monthly rent on the first day of each month with an additional \$300.00 per month until the arrears are paid in full. This was requested as the Landlord is aware that

Tenant's mother has been seriously ill and has had difficulties with employment during the COVID pandemic.

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. Given the date of this order, I have included the monthly rental payments from November to July 2021 in the arrears owing. Any payments made since the hearing date shall be deducted from the last arrears payment in paragraph 2(a) set out below.

It is ordered that:

1. The Tenant shall pay to the Landlord \$13,569.03, which represents the arrears of rent (\$13,379.03), and costs (\$190.00) outstanding for the period ending July 31, 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
August 10, 2021	\$300.00 (costs and arrears)
September 10, 2021	\$300.00 (arrears)
October 10, 2021	\$300.00 (arrears)
November 10, 2021	\$300.00 (arrears)
December 10, 2021	\$12,369.00 (arrears)

- (b) The Tenant shall also pay the Landlord the rent for the months of August 2021 up to and including December 2021 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.

July 26, 2021

Date Issued



Shannon Kiekens

Member, Landlord and Tenant Board

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