



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

**File Number:** SOL-20879-21

**In the matter of:** 87, 2 ORIOLE CRESCENT  
HAMILTON ON L8H6G8

**Between:** Cityhousing Hamilton Corporation

Landlord

**and**

Lucie Horvathova

Tenant

Cityhousing Hamilton Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Lucie Horvathova (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by video conference on July 13, 2021.

Only the Landlord's Legal Representative, K. Macintyre, attended the hearing. As of 9:52 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 October 1, 2018 to July 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective November 2, 2020.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$803.00.
4. The Tenant paid \$3,340.00 after the application was filed.
5. The amount outstanding to July 31, 2021, inclusive of rent arrears (\$1,170.00) and costs (\$186.00), is \$1,356.00.
6. 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 Landlord’s application for eviction of the Tenant is denied on the condition that:
2. The Tenant shall pay to the Landlord \$1,356.00 (arrears and costs) plus new rent as it becomes due according to the following schedule:

<b>Date Payment Due</b>	<b>Amount of Payment</b>
August 1, 2021	August rent + \$339.00 towards costs and arrears
September 1, 2021	September rent + \$339.00 towards arrears
October 1, 2021	October rent + \$339.00 towards arrears
November 1, 2021	November rent + \$339.00 towards arrears

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 2 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 2 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 20, 2021**  
**Date Issued**

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



Richard Ferriss  
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.