



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

Citation: Nipissing Properties Inc. v Rozon, 2024 ONLTB 11434

Date: 2024-02-14

File Number: LTB-L-083195-23

In the matter of: 8, 599 MCCONNELL ST
MATTAWA ON P0H1V0

Between: Nipissing Properties Inc. Landlord

And

Patrick Rozon Tenants
Elaine Moyneur
Richard Pentiluk

Nipissing Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Patrick Rozon, Elaine Moyneur and Richard Pentiluk (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 31, 2024.

Only the Landlord's Agent, Bill Bisson, attended the hearing.

The Tenants was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants did not void the notice by paying the amount of rent arrears owing by the termination date in the N4 Notice or before the date the application was filed.
2. As of the hearing date, the Tenants were still in possession of the rental unit.

3. The lawful rent is \$1,035.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$34.03. This amount is calculated as follows: \$1,035.00 x 12, divided by 365 days.
5. The Tenants have paid \$2,244.00 to the Landlord since the application was filed.
6. The rent arrears owing to January 31, 2024 are \$2,931.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. There is no last month's rent deposit.
9. The parties previously agreed on a payment plan which was submitted to the Board, but due to a clerical error, the agreement was not issued as an order prior to the hearing.
10. 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. These conditions were presented by the Landlord and were agreed upon by the parties.

It is ordered that:

1. The Tenants shall pay to the Landlord \$3,141.00 for arrears of rent up to January 31, 2024 and costs.
2. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:

Date Payment Due	Amount of Payment
February 1, 2024	\$150.00 (Arrears and costs)
March 1, 2024	\$150.00 (Arrears and costs)
April 1, 2024	\$150.00 (Arrears)
May 1, 2024	\$150.00 (Arrears)
June 1, 2024	\$150.00 (Arrears)
July 1, 2024	\$150.00 (Arrears)

August 1, 2024	\$150.00 (Arrears)
September 1, 2024	\$150.00 (Arrears)
October 1, 2024	\$150.00 (Arrears)
November 1, 2024	\$150.00 (Arrears)
December 1, 2024	\$150.00 (Arrears)
January 1, 2025	\$150.00 (Arrears)
February 1, 2025	\$150.00 (Arrears)
March 1, 2025	\$150.00 (Arrears)

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April 1, 2025	\$150.00 (Arrears)
May 1, 2025	\$150.00 (Arrears)
June 1, 2025	\$150.00 (Arrears)
July 1, 2025	\$150.00 (Arrears)
August 1, 2024	\$150.00 (Arrears)
September 1, 2025	\$150.00 (Arrears)
October 1, 2025	\$141.00 (Arrears)

3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period February 2024 to October 2025, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenants fail to make any one of the payments in accordance with this order 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 in this order.
- b) The balance owing under paragraph 1 of this order shall become payable on the day following the default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

February 14, 2024

Date Issued

Elena Jacob

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor Toronto
ON M7A 2G6

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