



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

**Citation:** Kepler Real Estate Inc. v Sargent, 2023 ONLTB 75347

**Date:** 2023-11-20

**File Number:** LTB-L-042181-23

**In the matter of:** 2, 986 2ND AVE E  
OWEN SOUND ON N4K2H6

**Between:** Kepler Real Estate Inc. Landlord

**And**

Tamara Sargent Tenant

Kepler Real Estate Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Tamara Sargent (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on November 7, 2023.

Only the Landlord's Agent, R. Bevis, attended the hearing.

As of 10:05 a.m., the Tenant 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 Tenant with a valid Notice to End Tenancy Early for Non-payment of Rent (N4 Notice). The Tenant 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 Tenant was still in possession of the rental unit.
3. The lawful rent is \$689.08. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$22.65. This amount is calculated as follows: \$689.08 x 12, divided by 365 days.

5. The Tenant has paid \$2,366.81 to the Landlord since the application was filed.
6. The rent arrears owing to November 30, 2023 are \$2,245.83.
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. The Landlord collected a rent deposit of \$689.08 from the Tenant and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.
9. Interest on the rent deposit, in the amount of \$14.68 is owing to the Tenant for the period from January 1, 2023 to November 7, 2023.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant 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.
11. The Landlord's Agent requested a repayment plan for the Tenant wherein the accruing rent is paid on the 1<sup>st</sup> day of each month and \$350.00 is paid on the 15<sup>th</sup> day of each month until the rent arrears are paid in full.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$2,431.83 for arrears of rent up to November 30, 2023 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:

<b>Date Payment Due</b>	<b>Amount of Payment</b>
November 25, 2023	\$350.00 (arrears + costs)
December 15, 2023	\$350.00 (arrears)
January 15, 2024	\$350.00 (arrears)

February 15, 2024	\$350.00 (arrears)
March 15, 2024	\$350.00 (arrears)
April 15, 2024	\$350.00 (arrears)
May 15, 2024	\$331.83 (arrears)

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3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing on the 1<sup>st</sup> day of each month for the period of November 1, 2023 to May 31, 2024, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenant 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 Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after November 30, 2023.

**November 20, 2023**

**Date Issued**

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Lisa Del Vecchio

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.