



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

Citation: Shelter Canadian Properties Limited v Findlay, 2023 ONLTB 72868

Date: 2023-11-07

File Number: LTB-L-046993-23

In the matter of: 1410, 55 FALBY CRT AJAX
ON L1S3W4

Between: Shelter Canadian Properties Limited Landlord

And

Carmen Findlay Tenant

Shelter Canadian Properties Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Carmen Findlay (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes. The Landlord also claimed charges related to NSF cheques.

This application was heard by videoconference on October 26, 2023.

Only the Landlord's Representative, Carrie Aylwin, attended the hearing.

As of 9:21 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 \$1,334.52. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$43.87. This amount is calculated as follows: \$1,334.52 x 12, divided by 365 days.

5. The Tenant has paid \$6,850.00 to the Landlord since the application was filed.
6. The rent arrears owing to October 31, 2023 are \$3,648.83.
7. The Landlord is entitled to \$40.00 to reimburse the Landlord for administration charges and \$0.00 for bank fees the Landlord incurred as a result of 2 cheque given by or on behalf of the Tenant which was returned NSF.

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8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord's Representative testified the parties have negotiated a payment plan and requested the Board to issue an order with the terms agreed upon.
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.

It is ordered that:

1. The Tenant shall pay to the Landlord \$3,874.83, which represents the arrears of rent (\$3,648.83) owing to October 31, 2023, NSF fees (\$40.00), and costs (\$186.00) to the Landlord to file the application with the Board.
2. The Tenant shall pay the Landlord the amount owing in paragraph one as follows:
 - a) \$600.00 by November 20, 2023;
 - b) \$600.00 by December 20, 2023;
 - c) \$600.00 by January 20, 2024;
 - d) \$600.00 by February 20, 2024;
 - e) \$600.00 by March 20, 2024;
 - f) \$600.00 by April 20, 2024; and
 - g) \$274.83 by May 20, 2024;
3. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period from November 1, 2023 up to and including May 1, 2024, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenants fail to make any of the payments in accordance with paragraph 2 and 3, and by the dates required, then:
 - a) The Landlord may apply under section 78 of the Act for an order terminating the tenancy and evicting the Tenants, 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 paragraphs 2 or 3 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 postjudgment interest rate determined under subsection 207(7) of the Act.

November 7, 2023

Date Issued

Vicky Liu

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.