



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

Citation: STARLIGHT BLACKSTAR OPCO 2 ULC v Wilson, 2023 ONLTB 60150

Date: 2023-08-30

File Number: LTB-L-053585-22

In the matter of: 908, 750 MORNINGSIDE AVE
SCARBOROUGH ON M1C3A1

Between: STARLIGHT BLACKSTAR OPCO 2 ULC Landlord

And

Devaughn Wilson and Charmaine Ellis Tenants

STARLIGHT BLACKSTAR OPCO 2 ULC (the 'Landlord') applied for an order to terminate the tenancy and evict Devaughn Wilson and Charmaine Ellis (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 11, 2023.

The Landlord's representative Christine Daniel and the Tenant attended the hearing.

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 \$1,212.78. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$39.87. This amount is calculated as follows: \$1,212.78 x 12, divided by 365 days.
5. The Tenants have paid \$8,400.78 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$18,016.47.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. The Landlord collected a rent deposit of \$1,134.46 from the Tenants 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.

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9. 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.
10. In considering all the disclosed circumstances, I find the Tenants proposed payment plan to be appropriate and the Tenants have provided a viable way to pay the full arrears over a 34-month period. This is based on the hardships the Tenants have suffered due to the Covid-19 pandemic, how one Tenant has recently returned to work, the cost of the Tenants current monthly rent and the hardships the Tenants and their children would face if they were to be evicted. The Tenants have also shown good faith by paying the lawful monthly since the application was filed. The Tenants proposed payment plan will provide the Tenants a final opportunity to preserve her tenancy but will minimize the further accrual of the arrears of rent. As the date of the hearing, the Tenants have paid \$8,400.78 since the application was filed.

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It is ordered that:

1. The Tenants shall pay to the Landlord \$18,202.47 for arrears of rent up to April 30, 2023 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
September 22, 2023	\$550.00 (costs and arrears)
October 22, 2023 To May 22, 2026	\$550.00 (arrears)
June 22, 2026	\$52.47 (arrears)

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 October 1, 2023 to June 1, 2026, or until the arrears are paid in full, whichever date is earliest.
4. The Tenants shall also have paid all lawful monthly that has come due since the hearing date consisting of the following months; May 2023, June 2023, July 2023, August 2023 and September 2023. Due to the late issuance of this Order, the Tenants shall ensure the aforementioned months of lawful rent totalling \$6,063.90 is paid by September 15, 2023.

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5. If the Tenants 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 Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after August 31, 2023.

August 30, 2023

Date Issued

André-Paul Baillargeon-Smith

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.