



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Ottawa Community Housing Corp. v Henry, 2023 ONLTB 50747

Date: 2023-07-19

File Number: LTB-L-080547-22-RV

In the matter of: H, 2580 DRAPER AVE
OTTAWA ON K2H6Z8

Between: Ottawa Community Housing Corp. Landlord

And

Cassandra Henry Tenant

Review Order

Ottawa Community Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Cassandra Henry (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-080547-22 issued on June 1, 2023.

On June 9, 2023, the Tenant requested a review of the order and that the order be stayed until the request to review the order is resolved. The Tenant alleged that they were not reasonably able to participate in the proceeding.

On June 12, 2023, interim order LTB-L-080547-22-RV-IN was issued, staying the order issued on June 1, 2023.

This application was heard by videoconference on July 10, 2023. The Landlord's Agent, L. Ali, and the Tenant attended the hearing.

Determinations:

1. The Tenant alleged that she was not reasonably able to participate in the original proceeding of May 25, 2023, which resulted in order LTB-L-080547-22 terminating the tenancy for nonpayment of rent. The Landlord did not oppose the Tenant's request to review the order.
2. 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.
3. As of the hearing date, the Tenant was still in possession of the rental unit.

4. The lawful rent is \$1,471.00. It is due on the 1st day of each month.
5. Based on the Monthly rent, the daily rent/compensation is \$48.36. This amount is calculated as follows: \$1,471.00 x 12, divided by 365 days.
6. The Tenant has paid \$2,720.00 to the Landlord since the application was filed.
7. The rent arrears owing to July 31, 2023 are \$11,200.00.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. There is no last month's rent deposit.

Relief from Eviction

10. The Tenant, who is a sole support parent of four children and has resided in the rental unit for about four years, receives Ontario Works benefits monthly and started a new job the week prior to the hearing. The Tenant's caseworker is in talks with the city for financial assistance in paying the entire arrears.
11. I have considered all 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 postpone the eviction until September 15, 2023 pursuant to subsection 83(1)(b) of the Act. Additional time is given to the Tenant to either secure alternative accommodation or pay the outstanding amount.

It is ordered that:

1. The request to review order LTB-L-080547-22 issued on June 1, 2023, is granted. The order cannot be enforced by the Landlord.
2. The interim order issued on June 12, 2023, is cancelled, and replaced with this order.
3. The tenancy between the Landlord and the Tenant is terminated unless the Tenant voids this order.
4. **The Tenant may void this order and continue the tenancy by paying to the Landlord or to the LTB in trust:**
 - \$11,390.00 if the payment is made on or before July 31, 2023. See Schedule 1 for the calculation of the amount owing.

OR

 - \$12,861.00 if the payment is made on or before August 31, 2023. See Schedule 1 for the calculation of the amount owing.

OR

 - \$14,332.00 if the payment is made on or before September 15, 2023. See Schedule 1 for the calculation of the amount owing.

5. The Tenant may also make a motion at the LTB to void this order under section 74(11) of the Act, if the Tenant has paid the full amount owing as ordered plus any additional rent that became due after September 15, 2023 but before the Court Enforcement Office (Sheriff) enforces the eviction. The Tenant may only make this motion once during the tenancy.
6. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before September 15, 2023**
7. If the Tenant does not void the order, the Tenant shall pay to the Landlord \$10,402.60. This amount includes rent arrears owing up to the date of the hearing and the cost of filing the application and unpaid NSF charges. See Schedule 1 for the calculation of the amount owing.
8. The Tenant shall also pay the Landlord compensation of \$48.36 per day for the use of the unit starting July 11, 2023 until the date the Tenant moves out of the unit.
9. If the Tenant does not pay the Landlord the full amount owing on or before July 30, 2023, the Tenant will start to owe interest. This will be simple interest calculated from July 31, 2023 at 6.00% annually on the balance outstanding.
10. If the unit is not vacated on or before September 15, 2023, then starting September 16, 2023, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
11. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after September 16, 2023.

July 19, 2023
Date Issued

Jitewa Edu
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 16, 2024 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before July 31, 2023

Rent Owing To July 31, 2023	\$13,924.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,720.00
Total the Tenant must pay to continue the tenancy	\$11,390.00

B. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before August 31, 2023

Rent Owing To August 31, 2023	\$15,395.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,720.00
Total the Tenant must pay to continue the tenancy	\$12,861.00

C. Amount the Tenant must pay to void the eviction order and continue the tenancy if the payment is made on or before September 15, 2023

Rent Owing To September 30, 2023	\$16,866.00
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,720.00
Total the Tenant must pay to continue the tenancy	\$14,332.00

D. Amount the Tenant must pay if the tenancy is terminated

Rent Owing To Hearing Date	\$12,936.60
Application Filing Fee	\$186.00
Less the amount the Tenant paid to the Landlord since the application was filed	- \$2,720.00
Total amount owing to the Landlord	\$10,402.60
Plus daily compensation owing for each day of occupation starting July 11, 2023	\$48.36 (per day)