



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

Citation: Baird v Caravaggio, 2023 ONLTB 47291

Date: 2023-06-30

File Number: LTB-L-042160-22

In the matter of: Upper Unit, 622 HAROLD DR
PETERBOROUGH ON K9J3Y1

Between: Jeff Baird Landlord

And

Laura Caravaggio Tenant

Jeff Baird (the 'Landlord') applied for an order to terminate the tenancy and evict Laura Caravaggio (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 28, 2023.

The Landlord, the Landlord's Representative F. Douglas and the Tenant attended the hearing.

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 \$1,845.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$60.66. This amount is calculated as follows: \$1,845.00 x 12, divided by 365 days.
5. The Tenant has paid \$9,702.60 to the Landlord since the application was filed.
6. The rent arrears owing to February 28, 2023 are \$11,200.00.

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 \$1,845.00 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 \$7.46 is owing to the Tenant for the period from January 1, 2023 to February 28, 2023.

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10. The Tenant said that they could afford to pay \$500 a month towards their arrears. During the hearing, it was established that the Tenant could afford \$600. The Landlord indicated they were content with a payment agreement that took 12 months or less to repay the total arrears owing.
11. The Landlord told the hearing that the Tenant has previously agreed to repayment agreements and then not adhered to them. The Tenant explained that they had been injured and were not able to work the hours that they would normally have worked.
12. 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 the Landlord \$11,386.00, which represents the arrears of rent and costs outstanding for the period ending February 28, 2023.
2. The Landlord's application for eviction of the Tenant is denied on the condition that:
 - (a) The Tenant shall make a payment of \$3,000.00 on or before July 20, 2023.
 - (b) The Tenant shall pay installments of \$600.00 on or before the 20th day of the month for the 13-month period commencing August 20, 2023 and ending September 20, 2024.
 - (c) The remaining balance of \$586.00 shall be paid on or before October 20, 2024.
 - (d) The Tenant shall pay to the Landlord all rent that came due between the date of the hearing to the date of this order by no later than August 1, 2023.

- (e) The Tenant shall pay the Landlord the monthly rent for the months of July 2023 to October 2024 in full and by the first day of each corresponding month or, until the arrears are paid in full, whichever comes first.
3. If the Tenant fails to make any of the payments in accordance with paragraph 2, 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 set out in paragraph 2 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 post-judgment interest rate determined under subsection 207(7) of the Act.

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June 30, 2023

Date Issued

William Greenberg

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 January 12, 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.