



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

Citation: CDSSAB v Lisa St. Jean, 2023 ONLTB 42968

Date: 2023-06-22

File Number: LTB-L-081318-22

In the matter of: 23 ONTARIO AVE
KAPUSKASING ON P5N2J4

Between: CDSSAB Landlord

And

Lisa St. Jean Tenant

CDSSAB (the 'Landlord') applied for an order to terminate the tenancy and evict Lisa St. Jean (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on June 8, 2023. Only the Landlord's Agent, J. Kennedy, attended the hearing. As of 1:38 p.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Preliminary Issue:

Although the Tenant did not attend the hearing, on May 29, 2023 she signed an Advance Resolution form detailing the agreement reached on the payment of the outstanding arrears. The form was filed with the Board and this order is based on the terms contained in it.

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 \$557.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$18.31. This amount is calculated as follows: \$557.00 x 12, divided by 365 days.
5. The Tenant has paid \$557.00 to the Landlord since the application was filed.

6. There is no last month's rent deposit.
7. The amount outstanding to June 30, 2023, inclusive of rent arrears and costs, is \$5,046.00.
8. Relief from eviction is granted subject to the conditions set out in this order.

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It is ordered that:

1. The Tenant shall pay to the Landlord \$5,046.00, which represents the amount outstanding for the period ending June 30, 2023.
2. The Landlord's application for eviction of the Tenant is denied on the condition that:
 - (a) The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:

Date Payment Due	Amount of Payment
For the period commencing July 2023 and continuing to July 2025	\$200.00 on the 1st day of each consecutive month (costs and arrears)
On or before August 1, 2025	\$46.00 (balance of arrears)

- (b) The Tenant shall also pay the Landlord the rent for the months of July 2023 up to and including August 2025 in full, on or before the first day of each corresponding month.
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 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 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.

June 22, 2023

Date Issued

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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.

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