



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

Citation: CAPREIT Limited Partnership v Ann Brouillette, 2023 ONLTB 46442

Date: 2023-06-21

File Number: LTB-L-063066-22

In the matter of: s083, 83 SUNCREST DR
TECUMSEH ON N8N2R1

Between: CAPREIT Limited Partnership Landlord

And

Ann Bouillotte Tenants
Bill Baranosky

CAPREIT Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Ann Brouillette and Bill Baranosky (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on May 8, 2023. Only the Landlord's legal representative, C.Hosannah attended the hearing.

The hearing was scheduled to start at 9:00am. I waited until after 9:30am to call the matter, the Tenants were 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 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 \$457.18. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$15.03. This amount is calculated as follows: \$457.18 x 12, divided by 365 days.
5. The Tenants have paid \$3,177.96 to the Landlord since the application was filed.
6. The rent arrears owing to May 31, 2023 are \$446.03.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.
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. At the hearing, the Landlord's legal representative submitted that they had a discussion with the Tenant and agreed to a payment plan. Although the Tenant did not attend the hearing to consent to a payment plan, it is less prejudicial than a standard order and gives the Tenant an opportunity to preserve their tenancy. As such an order with a payment plan shall issue.

It is ordered that:

1. The Tenants shall pay to the Landlord \$1,089.21 (Less any payments made by the Tenants) for arrears of rent up to June 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:
 - a) The Tenants shall pay \$300.00 on or before May 29, 2023
 - b) The Tenants shall pay \$100.00 on or before May 31, 2023
 - c) The Tenants shall pay their monthly rent for June 2023 (\$457.18), on or before June 30, 2023
 - d) The Tenants shall pay \$100.00 on or before June 30, 2023
 - e) The Tenants shall pay \$100.00 on or before July 31, 2023

- f) The Tenants shall pay \$32.03, on or before August 31, 2023
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 July 1, 2023 to August 1, 2023, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenants fail 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 June 30, 2023

June 21, 2023

Date Issued

Curtis Begg

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.

**Schedule 1
SUMMARY OF CALCULATIONS**

A. Amount the Tenants must pay to void the eviction order

Rent Owing To June 30, 2023	\$4,081.17
Application Filing Fee	\$186.00
NSF Charges	\$0.00
Less the amount the Tenants paid to the Landlord since the application was filed	- \$3,177.96
Less the amount the Tenants paid into the LTB since the application was filed	- \$0.00
Less the amount the Landlord owes the Tenants for an{abatement/rebate}	- \$0.00
Less the amount of the credit that the Tenants is entitled to	- \$0.00
Total the Tenants must pay to continue the tenancy	\$1,089.21

2023 ONLTB 46442 (CanLII)