



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: Heritage Community Housing Corp v Melanie Sangudia, 2023 ONLTB 44340

Date: 2023-06-21

File Number: LTB-L-025486-23-SA

In the matter of: 403, 250 Hickory Street South
Whitby ON L1N9G8

Between: Heritage Community Housing Corp Landlord

And

Melanie Sangudia and Michael Kabulo Tenants

Heritage Community Housing Corp (the 'Landlord') applied for an order to terminate the tenancy and evict Melanie Sangudia and Michael Kabulo (the 'Tenants') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on February 7, 2023 with respect to application LTB-L-035843-22.

The Landlord's application was resolved by order LTB-L-025486-23, issued on February 7, 2023. This order was issued without a hearing being held.

The Tenants filed a motion to set aside order LTB-L-025486-23.

The motion was heard by videoconference on June 7, 2023. The Landlord's representative, Jeff Shabes, and the Tenants, attended the hearing.

Determinations:

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. The Tenants agree they are in breach of the conditions set out. The Tenants were ordered to pay \$8,837.00. As of the date of this hearing they owe \$9,683.00, which does not include June 2023 rent. The Tenants testified that they paid \$2,065.00 on the day of the hearing. This payment could not be verified by the Landlord. The relief that I will grant will be conditional on the payment being made in full.
3. If the payment has been received and does not come back as NSF the Tenant will owe the Landlord 8,685.00.

4. The Tenants are employed and testified that their combined income is approximately \$90,000.00. The Tenants are prepared to pay \$1,000.00 monthly toward the arrears and requested that the payment be made on or before the 15th day of each month. The Tenants were informed that the June payment would be included in this order.

It is ordered that:

1. The motion to set aside Order LTB-L-025486-23, issued on February 7, 2023, is granted on the condition the Landlord is paid \$2,065.00 as the Tenants testified to at the hearing.
2. If the payment of \$2,065.00 is made in full, Order LTB-L-025486-23, issued on February 7, 2023, is set aside and cannot be enforced.
3. Should the payment of \$2,065.00 not be made to the Landlord, the set aside motion is denied and the stay is lifted immediately.
4. If the payment of \$2,065.00 is made in full, Order LTB-L-035843-22 is cancelled and replaced with the following:
5. The Tenants shall pay to the Landlord \$8,685.00 as follows:
 - The Tenants shall pay to the Landlord \$1,000.00 on or before the 15th day of each consecutive month commencing June 2023 and continuing through January 15, 2024.
 - The Tenants shall pay to the Landlord \$685.00 on or before February 15, 2024.
6. The Tenants shall also pay to the Landlord the lawful rent in full and on time for each consecutive month commencing July 2023 and continuing through February 2024.
7. In the event the Tenants fail to make the above said payments in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenants, for an Order terminating the tenancy and evicting the Tenants and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

June 15, 2023

Date Issued

Greg Joy
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.