



Order under Section 69 Residential Tenancies Act, 2006

Citation: Toronto Community Housing Corporation v Lynniesha Brooks, 2023 ONLTB 41590

Date: 2023-06-09

File Number: LTB-L-062180-22

In the matter of: 1312, 10 HUMBERLINE DR
ETOBICOKE ON M9W6J5

Between: Toronto Community Housing Corporation Landlord

And

Lynniesha Brooks Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Lynniesha Brooks (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 9, 2023.

The Landlord 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 \$987.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$32.45. This amount is calculated as follows: \$987.00 x 12, divided by 365 days.
5. The Tenant has paid \$11.51 to the Landlord since the application was filed.

6. The rent arrears owing to May 31, 2023 are \$14,029.76.
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 \$959.00 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 \$20.84 is owing to the Tenant for the period from January 1, 2022 to May 9, 2023.
10. 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. The parties consented to a payment plan as set out below, with payment dates to begin on May 10th and the 10th of every month with as section 78 clause. Due to the date of the issuance of this order, the order is issued with payments to begin June 10th for the payment plan. I find that there is little prejudice to the Landlord as they had agreed to a payment plan and the delay by one month will ensure the Tenant has the opportunity to pay the amount on time.

It is ordered that:

1. The Tenant shall pay to the Landlord \$14,215.76, which represents the arrears of rent (\$14,029.76) and costs (\$186.00) outstanding for the period ending May 31, 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:
 - \$236.00 on the 10th day of each and every month for 59 months, starting July 10, 2023 up to and inclusive of May 10th, 2027; and
 - \$291.76 on June 10, 2027.
 - (b) The Tenant shall also pay the Landlord the rent for the months of July 1, 2023 up to and including June 2027 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 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 postjudgment interest rate determined under subsection 207(7) of the Act.

June 2, 2023

Date Issued

Nicola Mulima

Vice Chair, 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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