



Order under Section 69 Residential Tenancies Act, 2006

Citation: Homestead Land Holdings Limited v Chengmin Petchsy, 2023 ONLTB 41801

Date: 2023-06-08

File Number: LTB-L-037788-23

In the matter of: 701, 2350 BIRCHMOUNT RD
SCARBOROUGH ON M1T3N4

Between: Homestead Land Holdings Limited
and

Landlord

Chengmin Petchsy
Oudong Vongrasamy

Tenants

Homestead Land Holdings Limited (the 'Landlord') applied to the Landlord and Tenant Board (LTB) for an order to terminate the tenancy and evict Chengmin Petchsy and Oudong Vongrasamy (the 'Tenants') because the Tenants did not pay the rent that they owe.

The parties elected to participate in LTB-facilitated mediation through the Tribunals Ontario online dispute resolution (ODR) portal. In a joint conference call with Landlord Representative Lee-Anne Thibert and Chengmin Petchsy for the Tenants, the parties confirmed the terms and their agreement about all issues in the Landlord's application.

The parties reached a mutually satisfactory settlement and agreed to a Consent Order. I was satisfied that the parties understood the terms of their consent as set out in the Order below. Specifically, I was satisfied that the Tenant understood the consequences of agreeing to make payments (including any that may have become due prior to receiving this Order) failing which the Landlord could apply to the LTB for an eviction Order.

At the hearing, the parties agreed:

1. The Tenants are in possession of the rental unit.
2. The lawful monthly rent currently is **\$2,241.58** and becomes due on the 1st day of each month.
3. The Tenants owe the Landlord the total amount of **\$2,420.32**. This total amount represents all rent owing up to May 31, 2023, inclusive of the application filing fee.
4. The Tenant indicated a previous payment was made to the Landlord by M/O #421862 dated May 23, 2023, in the amount of **\$300.00**. At the time of the conference call, receipt of

this payment could not be verified by the Landlord. Therefore, subject to confirmation this payment should be deducted from the amount noted in paragraph 3. In so doing, the remaining arrears amount is reduced to **\$2,120.32**.

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5. The total amount in paragraph 4 (above) will be paid by the Tenants to the Landlord in installments as follows: **\$300.00 on the 20th day of each month** for the seven-month period of June 2023 up to and including **\$320.32**, the remainder on December 20, 2023. Thereafter, the total amount will be fully paid.
6. In addition to the payments in paragraph 4, the Tenants will pay, the full monthly rent that becomes due, and on the **1st day of June 2023** and continue each month for the duration of the arrears payment period.
7. Section 78 of the RTA will apply if the Tenants do not comply with paragraphs 4, 5 or 6.

On consent of the parties, it is ordered that:

- [1] The Tenants shall pay the Landlord the total amount of **\$2,420.32** for rent arrears up to May 31, 2023, and the application filing fee.
- [2] The tenancy shall continue on the condition that the Tenants make monthly installment payments in guaranteed funds, to the Landlord for the monies owing under paragraph [1] of this Order, as follows:
 - a) **\$300.00** on May 20, 2023, and
 - b) **\$300.00** continuing **on the 20th day of each month** from June 2023 up to and including November 2023 and **\$320.32** the remaining amount on December 20, 2023.
- [3] In addition to paragraph [2], the Tenants shall also pay to the Landlord in guaranteed funds in full, the new monthly rent that becomes due, commencing June 1, 2023, and continuing on the **1st day of each month**, for the duration of the repayment period or until the arrears are paid in full, whichever date is earliest.
- [4] If the Tenants fail to make any of the payments in accordance with paragraphs [2] or [3], of this Order and by the dates required, then the Landlord may apply to the LTB **without notice to the Tenants**, under section 78 of the Residential Tenancies Act, for an Order terminating the tenancy and evicting the Tenants. In the application, the Landlord may request new arrears and charges not already ordered under paragraph [1]. The Landlord must make this application within 30 days of a breach of a condition set out in this Order.
- [5] Pursuant to the consent of the parties, the Landlord's application before the LTB is resolved.

June 8, 2023

DATE Issued

**C. M. Landon, Hearing Officer,
Landlord and Tenant Board**

Toronto North-RO

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If you have any questions about this Order, call 416-645-8080 or toll free 1-888-332-3234

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