



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

**Citation:** Jama Property Management v Luisa Fernandez Albarracin, 2023 ONLTB 40381

**Date:** 2023-05-31

**File Number:** LTB-L-072186-22

**In the matter of:** 25, 64 GRAND AVE  
LONDON ON N6C1L7

**Between:** Jama Property Management Landlord

**And**

Bryan Flores and Luisa Fernandez Albarracin Tenant

Jama Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Bryan Flores and Luisa Fernandez Albarracin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 10, 2023.

Only the Landlord's agent Rob Light attended the hearing.

As of 1:48 p.m., the Tenant was 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 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 \$1,378.63. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$45.32. This amount is calculated as follows: \$1,378.63 x 12, divided by 365 days.
5. The Tenant has paid \$8,080.00 to the Landlord since the application was filed.

6. The rent arrears owing to May 31, 2023 are \$1,503.15.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$1,345.00 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.

Section 83 Considerations

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. The Landlord's agent, noting that the Tenant had paid \$8,080.00 since the filing of the L1 application was open to a payment plan or an extension of time to allow for the repayment of the remaining arrears of rent.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$1,689.15 for arrears of rent up to May 31, 2023 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
  - \$125.26 on or before June 15, 2023
  - \$125.26 on or before July 1, 2023
  - \$125.26 on or before August 1, 2023
  - \$125.26 on or before September 1, 2023
  - \$125.26 on or before October 1, 2023
  - \$125.26 on or before November 1, 2023
  - \$125.26 on or before December 1, 2023
  - \$125.26 on or before January 1, 2024
  - \$125.26 on or before February 1, 2024
  - \$125.26 on or before March 1, 2024
  - \$125.26 on or before April 1, 2024
  - \$125.29 on or before May 1, 2024

3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period June 1, 2023 to May 1, 2024, or until the arrears are paid in full, whichever date is earliest.
4. If the Tenant fails 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 Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after May 31, 2023.

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**May 31, 2023**

**Date Issued**

15 Grosvenor Street, Ground Floor  
Toronto ON M7A 2G6

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Alicia Johnson  
Member, Landlord and Tenant Board

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