



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

**Citation:** Peel Housing Corp Op As Peel Living v Zahra Yusuf, 2023 ONLTB 40321

**Date:** 2023-05-29

**File Number:** LTB-L-062201-22

**In the matter of:** 512, 1290 RATHBURN RD W MISSISSAUGA  
ON L5C4E4

**Between:** Peel Housing Corp Op As Peel Living Landlord

**And**

Zahra Yusuf Tenant

Peel Housing Corp Op As Peel Living (the 'Landlord') applied for an order to terminate the tenancy and evict Zahra Yusuf (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 attended the hearing. The Landlord was represented by Sophia Dixon.

As of 11:19 a.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 \$1,460.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$48.00. This amount is calculated as follows: \$1,460.00 x 12, divided by 365 days.
5. The Tenant has paid \$5,740.00 to the Landlord since the application was filed.
6. The rent arrears owing to May 31, 2023 are \$3,994.77.
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 \$683.24 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, 2021 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'), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant 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.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$4,180.77, which represents the arrears of rent (\$3,994.77) 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:
    1. Beginning on or before June 15, 2023, the Tenant shall pay the Landlord \$418.07 and shall continue to pay the Landlord \$418.07 per month on or before the 15<sup>th</sup> day of each month during the period of June 15, 2023, to March 15, 2024;
  - (b) The Tenant shall also pay the Landlord the lawful monthly rent as it becomes due on or before the 1<sup>st</sup> day of the month starting June 1, 2023 until the arrears are paid in full.
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, without notice to the Tenant, 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 shall bear interest at the post-judgement interest rate determined under subsection 207(7) of the Act.

**May 29, 2023**  
**Date Issued**

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Emile Ramlochan

Member, Landlord and Tenant Board

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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.