



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

Citation: 325 Saguenay Inc. v Bogle, 2023 ONLTB 34263

Date: 2023-05-29

File Number: LTB-L-025031-22

In the matter of: Unit 1B, 325 SAGUENAY AVE
OSHAWA ON L1J2M9

Between: 325 Saguenay Inc. Landlord

And

Marion Bogle Tenant

325 Saguenay Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Marion Bogle (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

This application was heard by videoconference on April 5, 2023.

Only the Landlord's Legal Representative S. Bemrose attended the hearing. The Tenant was not present or represented at 9:30 a.m. when the matter was heard. The Tenant logged in around 9:40 a.m. spoke with the Tenant Duty Counsel and then logged off shortly after.

Determinations:

- As explained below, the Landlord has proven on a balance of probabilities the grounds for termination of the tenancy but requested the Board for a conditional order to pay in time. Therefore, the Tenant is being granted an opportunity to follow the conditional pay-in-time order for the next twelve months.
- The Tenant was in possession of the rental unit on the date the application was filed.

N8 Notice of Termination

- On April 26, 2022, the Landlord gave the Tenant an N8 notice of termination deemed served the same day. The notice of termination contains the following allegations: the Tenant has paid her rent late six times out of the six months that the current Landlord took possession of the unit.
- The Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the 01st day of each month. The rent has been paid late 06 times in the past 06 months.

Date rent due	Date rent paid
a) November 1, 2021	November 16, 2021

b) December 1, 2021	December 14, 2021
c) January 1, 2022	January 11, 2022
d) February 1, 2022	February 15 & 22, 2022
e) March 1, 2022	March 15 & 22, 2022
f) April 1, 2022	April 19, 2022

5. The Tenant continued to pay rent late even after the notice was served. The Tenant has also been served with multiple N4's. The Landlord's Legal Representative stated that the Tenant pays the rent every month just does not pay in time. She also requested the Board to consider a conditional pay-in-time order. The Tenant is non-communicative and does not respond to Landlord's attempts. She further added that the Landlord has hired a new property manager to help with communications so she is hopeful the pay-in-time should help.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. 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.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
 - a) The Tenants shall pay the full monthly rent on or before the first day of each month, commencing June 1, 2023 and for 12 months thereafter up to and including May 1, 2024.
2. If the Tenant fails to comply with the conditions set out in paragraph 1 of this order, 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. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
3. The Tenant shall pay to the Landlord \$186.00 for the cost of filing the application.
4. The total amount the Tenant owes the Landlord is \$186.00.
5. If the Tenant does not pay the Landlord the full amount owing on or before June 15, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 16, 2023 at 6.00% annually on the balance outstanding.

May 29, 2023
Date Issued

Sheena Brar
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.