



Order under Section 69 Residential Tenancies Act, 2006

Citation: Found Spaces Property Management Inc. v Shatia Bond, 2023 ONLTB 39659

Date: 2023-05-25

File Number: LTB-L-066607-22

In the matter of: 4, 85 EAST AVE S
HAMILTON ON L8N2T5

Between: Found Spaces Property Management Inc. Landlord

And

Shatia Bond Tenant

Found Spaces Property Management Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Shatia Bond (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 27, 2023.

Only the Landlord's legal representative, Victoria Orlandi ('VO'), attended the hearing.

As of 9:44 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. VO stated that the landlord of the rental unit is now Found Spaces Property Management Inc., which is the new owner of the residential complex, as of January 1, 2023. The application is amended accordingly to name Found Spaces Property Management Inc. as the landlord.
2. VO also advised that the Landlord is in receipt of notice under the Bankruptcy and Insolvency Act, RSC 1985, c. B-3 (the "BIA") that the Tenant made a consumer proposal under section 66.13 of the BIA. VO submitted a copy of this notice, which indicates that the consumer proposal was made on March 29, 2023.
3. VO sought an order for arrears only, recognizing that the Landlord could not seek termination of the tenancy as a result of the consumer proposal.

- Pursuant to section 69.2 of the BIA, on the filing of a consumer proposal under section 66.13 in respect of a consumer debtor, "... no creditor has any remedy against the debtor or the debtor's property, or shall commence or continue any action, execution or other proceedings, for the recovery of a claim provable in bankruptcy until ..." either the

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administrator has been discharged, or the consumer proposal has been withdrawn, refused, annulled, or deemed annulled.

- The rent arrears owing up to the date the consumer proposal was made is a claim provable in bankruptcy, and the Landlord is not permitted to continue this application with respect to recovery of those rent arrears.
- The rent for the month of April 2023 came due on April 1, 2023. This was after the Tenant made the consumer proposal and is therefore not a claim provable in bankruptcy. The Landlord is entitled to continue this proceeding with respect to the rent that came due after March 29, 2023.
- The monthly rent is \$1,416.80. The rent arrears owing to April 30, 2023, excluding any amount provable in bankruptcy, are \$1,416.80.

It is ordered that:

- The Tenant shall pay the Landlord \$1,416.80.
- If the Tenant does not pay the Landlord the full amount owing on or before June 5, 2023, the Tenant will start to owe interest. This will be simple interest calculated from June 6, 2023 at 6.00% annually on the balance outstanding.

May 25, 2023

Date Issued

Mark Melchers

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.

