



Order under Section 69 Residential Tenancies Act, 2006

Citation: DD ACQUISTIONS PARTNERSHIP v Desjardins, 2023 ONLTB 39605

Date: 2023-05-24

File Number: LTB-L-010655-22

In the matter of: 203, 490 NELSON AVE
BURLINGTON ON L7S1X3

Between: DD ACQUISTIONS PARTNERSHIP Landlord

And

Amber Desjardins Tenant
Jorden Mccallum

DD ACQUISTIONS PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict amber Desjardins and jorden Mccallum (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on August 29, 2022 at 1:00 pm.

The Landlord Representative Sara Matthew and the Tenant Amber Desjardins attended the hearing.

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 \$1,098.38. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$36.11. This amount is calculated as follows: \$1,098.38 x 12, divided by 365 days.
5. The Tenant has paid \$6,513.00 to the Landlord since the application was filed.
6. The rent arrears owing to August 31, 2022 are \$2,221.16.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$1,018.96 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 \$8.07 is owing to the Tenant for the period from January 1, 2022 to August 29, 2022.
10. 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 Tenant shall pay to the Landlord \$2,407.16 for arrears of rent up to August 31, 2022 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a. On or before September 16, 2022 -\$802.30;
 - b. On or before October 16, 2022-\$802.30; and
 - c. On or before November 16, 2022 -\$802.30.
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 September 01, 2022 to November 01, 2022, 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 August 31, 2022.

May 24, 2023
Date Issued

Kelly Delaney
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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 26, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.