



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: CAPREIT Limited partnership v Tiffany Anderson, 2023 ONLTB 39056

Date: 2023-05-23 **File Number:**
LTB-L-016854-23-SA

In the matter of: 403, 640 GUELPH LINE
BURLINGTON ON L7R3M9

Between: CAPREIT Limited partnership Landlord

And

Tiffany Anderson Tenant

CAPREIT Limited partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Tiffany Anderson (the 'Tenant') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on January 25, 2022 with respect to application SOL-25086-21.

The Landlord's application was resolved by order LTB-L-016854-23, issued on January 25, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-016854-23.

The motion was heard by videoconference on May 11, 2023. The Landlord's representative Gabriel Quaresma, and the Tenant, attended the hearing.

Determinations:

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenant to terminate the tenancy and evict the Tenant if the Tenant does not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. The Tenant was ordered to pay to the Landlord \$5,358.32 in January 2022. By the time the Landlord filed the L4 application with the Board in February 2023 the Tenant owed the Landlord \$11,724.72.

3. The Tenant's evidence shows that the Tenant was employed when she moved into the rental unit and making sufficient funds to pay the rent. The Tenant testified that she was

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seriously uncomfortable with the way she was treated by her employer and felt she had no option but to quit this position.

4. The Tenant found new employment in October 2022 and has been paying the rent since December 2022.
5. The Tenant has two children and her current income shows that she can pay the rent and an additional \$500.00 monthly as she has proposed.
6. The Landlord's representative points to the fact that the Tenant moved into the unit on November 15, 2020 and since then the Halton Regional Housing Services has given the Tenant \$7,500.00 in housing support.
7. The Tenant currently owes the Landlord \$13,013.15 in arrears and costs to the end of May 2023.
8. Considering the fact that the Tenant has been paying rent for the past few months, the fact that her income can support the proposed repayment plan, and the fact the Tenant is a single mother with two children. I find in all the circumstances, it is appropriate to provide the Tenant with relief from eviction under the conditions set out in this order.

It is ordered that:

1. The motion to set aside Order LTB-L-016854-23, issued on January 25, 2022, is granted.
2. Order LTB-L-016854-23, issued on January 25, 2022, is set aside and cannot be enforced.
3. Order SOL-25086-21 is cancelled and replaced with the following:
4. The Tenant shall pay to the Landlord \$13,013.15 as follows:
 - The Tenant shall pay to the Landlord \$500.00 on or before the 17th day of each consecutive month beginning June 2023 and continuing through July 2025.
 - The Tenant shall pay to the Landlord \$3.15 on or before August 17, 2025.
5. The Tenant shall also pay to the Landlord the lawful rent in full and on time for each consecutive month commencing June 2023 and continuing through August 2025.
6. In the event the Tenant fails to make the above said payments in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after

a breach of this Order, without notice to the Tenant, for an Order terminating the tenancy and evicting the Tenant and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

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May 23, 2023

Date Issued

Greg Joy

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.