



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

**Citation:** Harlivleen Kaur Rakhra v Carlene Perkins, 2023 ONLTB 38856

**Date:** 2023-05-19

**File Number:** LTB-L-008449-23-SA

**In the matter of:** 10 Portsdown Road  
Brampton ON L7A0P8

**Between:** Harlivleen Kaur Rakhra Landlord

**And**

Carlene Perkins Tenant

Harlivleen Kaur Rakhra (the 'Landlord') applied for an order to terminate the tenancy and evict Carlene Perkins (the 'Tenant') and for an order to have the Tenant pay compensation for damage they owe because the Tenant did not meet a condition specified in the order issued by the LTB on December 1, 2022 with respect to application LTB-L-016404-22.

The Landlord's application was resolved by order LTB-L-008449-23, issued on December 1, 2022. This order was issued without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-008449-23.

The motion was heard by videoconference on May 11, 2023. The Landlord's representative James Hill, and the Tenant, who met with Duty Counsel, 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 order that gave rise to the Landlord's application was for arrears of rent as well as unpaid water bills. The Tenant was required to pay to the Landlord \$6,578.36 on or before December 12, 2022 to void that part of the order. The parties agree that the Tenant made the payment in full.
3. As of the date of this hearing the Tenant had not paid the outstanding water bill. The Tenant testified that she did not understand that this was required and has paid \$184.88 toward the total outstanding amount of \$879.65. The Tenant further testified that she wants to pay the Landlord and agreed to pay the balance in three installments.

4. Considering the amount the Tenant paid to void the arrears order, I find it fair in all the circumstances to provide the Tenant the opportunity to pay the balance and maintain this tenancy.
5. This order grants relief on the condition that the amount of \$184.88 has been paid by the Tenant. The balance owing will therefore be \$694.77 and to be paid as set out in this order.

**It is ordered that:**

1. The motion to set aside Order LTB-L-008449-23, issued on December 1, 2022, is granted on the condition the Tenant has paid \$184.88 on May 11, 2023.
2. If the Tenant has made the payment as set out above, order LTB-L-008449-23, issued on December 1, 2022, is set aside and cannot be enforced.
1. If the payment of \$184.88 was not paid on May 11, 2023, the motion to set aside Order LTB-L-008449-23, issued on December 1, 2022, is denied.
3. The stay of Order LTB-L-008449-23, is lifted immediately.
4. If the Tenant has made the \$184.88 payment on May 11, 2023, order LTB-L-016404-22 is cancelled and replaced with the following:
5. The Tenant shall pay to the Landlord the balance of the water bill set at \$694.77 as follows:
  - The Tenant shall pay to the Landlord \$231.59 on or before June 8, 2023.
  - The Tenant shall pay to the Landlord \$231.59 on or before July 13, 2023.
  - The Tenant shall pay to the Landlord \$231.59 on or before August 10, 2023.
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, pursuant to Section 78 of the Residential Tenancies Act, 2006.

**May 19, 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.