



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** DURHAM REGION NON-PROFIT HOUSING CORPORATION v Alison Theriault, 2023  
ONLTB 37982  
**Date:** 2023-05-19  
**File Number:** LTB-L-057860-22

**In the matter of:** 24, 769 WILSON RD N  
OSHAWA ON L1G7W3

**Between:** DURHAM REGION NON-PROFIT HOUSING CORPORATION Landlord

**And**

Alison Theriault Tenant

DURHAM REGION NON-PROFIT HOUSING CORPORATION (the 'Landlord') applied for an order to terminate the tenancy and evict Alison Theriault (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 24, 2023.

Only the Landlord's representative A. Herscheid attended the hearing.

As of 1:44pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. As a result, the hearing proceeded with only the Landlord's evidence.

### 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 \$242.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$7.96. This amount is calculated as follows: \$242.00 x 12, divided by 365 days.
5. The Tenant has paid \$4,135.20 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$102.80.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.
9. Section 83 requires that I consider all the circumstances, including the Tenant's and the Landlord's situations to determine if it would be appropriate to grant section 83 relief from eviction. The Landlord's representative advised that the Tenant has been making efforts to make extra payments and that the Tenant lives with her child at the rental unit.
10. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), and given the small amount of arrears owing as of the day of the hearing (\$102.80), find that it would not be unfair to grant relief from eviction, as per the conditions noted below.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$288.80 for arrears of rent up to April 30, 2023 and costs.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 on or before May 31, 2023.
3. If not already paid, the Tenant shall pay to the Landlord the monthly rent for May 2023, on or before May 31, 2023.
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 Tenants' 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 April 30, 2023.

**May 19, 2023**  
**Date Issued**

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Peter Nicholson  
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.