



**Order under Section 69  
Residential Tenancies Act, 2006**

**Citation:** InterRent Holdings Manager LP v Robertson, 2023 ONLTB 38418

**Date:** 2023-05-18

**File Number:** LTB-L-035348-22

**In the matter of:** 05, 334 ZEPHYR AVE OTTAWA  
ON K2B6A1

**Between:** InterRent Holdings Manager LP Landlord

**And**

Cecilia Robertson Tenant  
Lyndon Robertson

InterRent Holdings Manager LP (the 'Landlord') applied for an order to terminate the tenancy and evict Cecilia Robertson and Lyndon Robertson (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on May 4, 2023.

Only the Landlord's Legal Representative D. Abrahams attended the hearing.

As of 10:09 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. On May 24, 2022, the Landlord gave the Tenant an N8 notice of termination. The notice of termination alleged that the Tenant has persistently paid the rent late.
2. The Landlord's Legal Representative gave uncontested evidence that the Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the first day of each month. The rent has been paid late 12 times in the past 12.

3. The Landlord's Legal Representative advised the Board that the Landlord was not seeking a termination of the Tenancy but was seeking a pay on time order for 12 months and requested that s. 78 of the Act be attached for enforcement of the payment order.
4. On the basis of the uncontested evidence before me, I find that the Tenant has persistently failed to pay the rent on the date it was due.

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5. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and the Landlord's submissions 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 the Landlord monthly rent owing on or before the first day of each month commencing June 1, 2023 and continuing thereafter until and including May 1, 2024.
2. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application as on or before June 30, 2023.
3. If the Tenant fails to make any of the payments in accordance with paragraph 1, and by the dates required, then:
  - (a) The Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenants. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 1 of this order.
4. If the Tenant fails to make the payment owing under paragraph 2, and by the date required, the balance owing under paragraph 2 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

**May 18, 2023**

**Date Issued**

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Nicola Mulima

Vice Chair, 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.

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