



Order under Section 69 Residential Tenancies Act, 2006

Citation: London & Middlesex Community Housing Inc. v Paulo Leek, 2023 ONLTB 37160

Date: 2023-05-18

File Number: LTB-L-057907-22

In the matter of: 210, 136 ALBERT ST
LONDON ON N6A1M2

Between: London & Middlesex Community Housing Inc. Landlord

And

Paulo Leek Tenant

London & Middlesex Community Housing Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Paulo Leek (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 agent P. Haynes attended the hearing.

As of 10:32am, 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 \$139.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$4.57. This amount is calculated as follows: \$139.00 x 12, divided by 365 days.
5. The Tenant has paid \$6,297.39 into the LTB since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$347.60

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7. The Landlord collected a rent deposit of \$115.00 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.
8. The Landlord does not seek repayment of the filing fee.
9. Section 83 requires that I consider all the circumstances, including the Tenants' and the Landlords' situations to determine if it would be appropriate to grant section 83 relief from eviction. The Landlord is seeking a repayment plan for the arrears, payable over 12 months. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (RTA), including whether the Landlord attempted to negotiate a repayment agreement with the Tenants, and find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.

It is ordered that:

1. The Tenant shall pay to the Landlord \$347.60 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 in accordance with the following schedule:
 - (i) Between June 15, 2023 and June 15, 2024, the Tenant will make payments towards the arrears in the amount of \$25.00 each month. These arrears payments will be made on or before the 15^h day of each month. This means that the Tenants will make payments of \$25.00 per month for 13 consecutive months; and,
 - (ii) The final payment will be in the amount of \$22.60 and will be paid on or before July 15, 2024.
3. If not already paid, the Tenant shall pay to the Landlord rent for the month of May 2023, on or before May 31, 2023.

4. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period June 1, 2023 to July 1, 2024, or until the arrears are paid in full, whichever date is earliest.
5. 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 April 30, 2023.

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May 18, 2023

Date Issued

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.