



I hereby certify this is a true copy of an Order dated
MAY 16, 2023
Richard Fenn
Landlord and Tenant Board

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

Citation: Metcap Living Management Inc v Violeta Projeski, 2023 ONLTB 37904

Date: 2023-05-16

File Number: LTB-L-082024-22

In the matter of: 401, 525 SAINT LAWRENCE AVE
OSHAWA ON L1H7V8

Between: Metcap Living Management Inc Landlord

And

Violeta Projeski Tenant

Metcap Living Management Inc (the 'Landlord') applied for an order to terminate the tenancy and evict Violeta Projeski (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on May 8, 2023.

The Landlord's legal representative, Moez Nabi, and the Tenant attended the hearing.

The parties agreed that Thomas Thompson was not a party to these proceedings.

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. The lawful rent is \$1,534.15. It is due on the 1st day of each month.
3. Based on the Monthly rent, the daily rent/compensation is \$50.44. This amount is calculated as follows: \$1,534.15 x 12, divided by 365 days.
4. The Tenant has paid \$1,496.00 to the Landlord since the application was filed.
5. The rent arrears owing to May 31, 2023 are \$7,559.26.
6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. The Landlord collected a rent deposit of \$1,505.98 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. Interest on the rent deposit, in the amount of \$13.20 is owing to the Tenant for the period from January 1, 2023 to May 8, 2023.

9. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), 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 to the Landlord \$7,745.26, which represents the arrears of rent and costs outstanding for the period ending May 31, 2023.
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) \$250.00 on or before June 1, 2023;
 - b) \$250.00 on or before July 1, 2023;
 - c) \$250.00 on or before August 1, 2023;
 - d) \$250.00 on or before September 1, 2023; and
 - e) \$6,745.06 on or before September 15, 2023;
3. 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 2023 to September 2023, or until the arrears are paid in full, whichever date is earliest.
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 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 date arrears run to.

May 16, 2023
Date Issued



Richard Ferriss
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.