



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

**Citation:** Willow Properties v Alicia Gasperas, 2023 ONLTB 35889

**Date:** 2023-05-11

**File Number:** LTB-L-055217-22

**In the matter of:** c11, 171 WILLOW AVE  
SAULT STE. MARIE ON P6B5B1

**Between:** Willow Properties Landlord

**And**

Alicia Gasperas Tenant

Willow Properties (the 'Landlord') applied for an order to terminate the tenancy and evict Alicia Gasperas (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 24, 2023 at 9:00 a.m.

Only the Landlord, represented by Carrie Seabrook, an employee, attended the hearing.

As of 11:15 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. 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 \$1,067.85. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$35.11. This amount is calculated as follows: \$1,067.85 x 12, divided by 365 days.
5. The Tenant has paid \$5,585.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$320.00.

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.

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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 \$506.00 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:
  - a) On or before May 20<sup>th</sup>, 2023, the Tenant shall pay to the Landlord the sum of \$253.00 which shall be applied to outstanding rental arrears.
  - b) On or before June 20<sup>th</sup>, 2023, the Tenant shall pay to the Landlord the sum of \$253.00 in full and final settlement of all rental arrears and costs claimed in this application.
3. **If the Tenant does not pay the amount required to void this order the Tenant must move out of the rental unit on or before May 22, 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 May 1, 2023 to June 1, 2023, 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.
6. If the Tenant does not pay the Landlord the full amount owing, the Tenant will start to owe interest. This will be simple interest calculated at 6.00% annually on the balance outstanding commencing the next day after the Tenant moves out of the rental unit.

7. The Landlord or the Tenant shall pay to the other any sum of money that is owed as a result of this order.

**May 11, 2023**

**Date Issued**

15 Grosvenor Street, Ground Floor Toronto  
ON M7A 2G6

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**Peter Pavlovic**

Member, Landlord and Tenant Board

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

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