



**Order under Section 69 utilizing Section 78
Residential Tenancies Act, 2006**

Citation: Amstar Pool I LP v Seth Alkins, 2023 ONLTB 34877

Date: 2023-05-09

File Number: LTB-L-057834-22

In the matter of: 307, 91 COSBURN AVE
EAST YORK ON M4K2G2

Between: Amstar Pool I LP Landlord

And

Seth Alkins Tenant

Amstar Pool I LP (the 'Landlord') applied for an order to terminate the tenancy and evict Seth Alkins (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 legal representative, Matt Anderson, attended the hearing.

As of 2:12pm, 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 \$1,923.92. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$63.25. This amount is calculated as follows: \$1,923.92 x 12, divided by 365 days.
5. The Tenant has paid \$9,646.18 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$3,680.50.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. The Landlord collected a rent deposit of \$1,899.50 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.
9. The Tenant did not attend the hearing to make submissions regarding their unique circumstances to consider relief from eviction.
10. At the hearing, the Landlord requested the continuation of the payment plan that they had agreed to with the Tenant. I see no reason to deny the Landlords request on the basis that it preserves the tenancy with conditions to the benefit of the Tenant.
11. 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 \$3,867.50 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) \$500.00 on or by the 20th day of each month starting May 20, 2023 and continuing up to and including to September 20, 2023;
 - b) \$685.00 on or by October 20, 2023;
 - c) \$682.50 on or by November 20, 2023; and
3. The Tenant shall also pay to the Landlord the lawful rent on or by the first day of each corresponding month starting May 1, 2023 and continuing up to and including to November 1, 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 April 30, 2023.

May 9, 2023
Date Issued

 Terri van Huisstede
 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.