



Order under Section 69 Residential Tenancies Act, 2006

Citation: Toronto Community Housing Corporation v Denesha Thompson, 2023 ONLTB 36171

Date: 2023-05-08

File Number: LTB-L-058731-22

In the matter of: 102, 20 VARNA DR
NORTH YORK ON M6A2L7

Between: Toronto Community Housing Corporation Landlord

And

Denesha Thompson Tenant

Toronto Community Housing Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Denesha Thompson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 25, 2023.

Only the Landlord's Representative, Rahel Abera, attended the hearing.

As of 11:13am, the Tenant was not present or represented at the hearing. The Tenant had notified the Board of having technical difficulties getting logged into the hearing, either online or by phone. The Tenant was unable to connect, despite receiving instruction from the Board at 9:39am, 10:01am and 10:17am. I am satisfied that the Tenant was given a reasonable number of opportunities to attend the hearing, therefore the matter will proceed uncontested.

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 \$269.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$8.84. This amount is calculated as follows: \$269.00 x 12, divided by 365 days.

5. The Tenant has paid \$200.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023, are \$2,655.00.

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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.
9. The Landlord asked the Board to order a payment plan, with an option for the Landlord to file an order for eviction, pursuant to section 78 of the *Residential Tenancies Act, 2006* (the 'Act') if the Tenant breaches the payment plan.
10. The Landlord stated that the payment plan was to include monthly payments of \$100/month for a period of 28 months, and a payment of \$41.00 on the 29th month of the payment plan. For the duration of the payment plan, the Tenant's rent would be due on time and in full.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of 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 \$2,481.00 for arrears 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) \$100.00 on or before the first of each month from June 1, 2023, up until and including September 1, 2025, and
 - b) \$41.00 on or before October 1, 2025.
3. The Tenant shall pay May rent on or before May 15, 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 October 1, 2025, 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.

May 8, 2023

Date Issued

Robert Brown

Member, Landlord and Tenant Board

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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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on November 20, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

*Note: When the Board directs payment-out, the Canadian Imperial Bank of Commerce will issue a cheque to the appropriate party named in this notice. The cheque will be in the amount directed plus any interest accrued up to the date of the notice

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