



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

Citation: DTSSAB v Evans, 2023 ONLTB 35749

Date: 2023-05-05

File Number: LTB-L-053900-22

In the matter of: 202, 37 TENTH STREET BOX 639 EARLTON
ON P0J1E0

Between: DTSSAB Landlord

And

Austin Evans Tenant

DTSSAB (the 'Landlord') applied for an order to terminate the tenancy and evict Austin Evans (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 30, 2023.

The Landlord attended the hearing. The Landlord was represented by Candice Danchuk.

As of 2:12 p.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 \$300.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$9.86. This amount is calculated as follows: \$300.00 x 12, divided by 365 days.

5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to March 31, 2023 are \$3,000.00.
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'), including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant 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, 186.00, which represents the arrears of rent (\$3, 000.00) and costs (\$186.00) outstanding for the period ending March 31, 2023.
2. The Landlord's application for eviction of the Tenant is denied on the condition that:
 - (a) The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:
 1. Beginning on or before June 1, 2023, the Tenant shall pay the Landlord \$100.00 and shall continue to pay the Landlord \$100.00 per month on or before the 1st day of each month until the arrears are paid in full;
 - (b) The Tenant shall pay the lawful monthly rent for April 2023 and May 2023 on or before May 20, 2023, if not already paid;
 - (c) The Tenant shall also pay the Landlord the lawful monthly rent as it becomes due on or before the 1st day of the month starting June 1, 2023 until the arrears are paid in full.
3. If the Tenant fails to make any of the payments in accordance with paragraph 2, and by the dates required, then:
 - (a) The Landlord may apply, without notice to the Tenant, under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of

rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.

- (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies shall bear interest at the post-judgement interest rate determined under subsection 207(7) of the Act.

May 5, 2023

Date Issued

Emile Ramlochan

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

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