



Order under Section 78(6) Residential Tenancies Act, 2006

Citation: DD ACQUISITION PARTNERSHIP v Buchanan, 2023 ONLTB 33618

Date: 2023-05-03

File Number: LTB-L-078575-22

In the matter of: 1002, 10 YORKWOODS GATE
NORTH YORK ON M3N1J9

Between: DD ACQUISITION PARTNERSHIP Landlord

And

Reynard Buchanan and Yahneke Buchanan Tenants

DD ACQUISITION PARTNERSHIP (the 'Landlord') applied for an order to terminate the tenancy and evict Reynard Buchanan and Yahneke Buchanan (the 'Tenants') and for an order to have the Tenant pay the rent they owe because the Tenant did not meet a condition specified in the order issued by the LTB on October 24, 2022 with respect to application TNL-37118-22-SA.

This application was heard on April 20, 2023. The Landlord's representative Sofia Enriquez, and the Tenant Yahneke Buchanan, who met with Duty Counsel, attended the hearing.

Determinations:

1. The order provides that the Landlord can apply to the LTB under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants do not meet certain condition(s) in the order. This application was filed within 30 days of the breach.
2. The Tenants are in breach of the conditions set out in the order but have made good progress toward paying the Landlord the amount they owe. In addition, the Tenants will be able to make a \$3,000.00 payment by next week toward the \$5,338.96 they currently owe in arrears of rent.
3. I find it fair to grant relief under section 78.11(b) of the Residential Tenancies Act with the conditions as set out below.
4. The Tenants owe the Landlord \$5,338.96 in arrears and costs to the end of April 2023.

It is ordered that:

1. Order TNL-37118-22-SA issued on October 24, 2022 is cancelled and replaced with the following:

2. The Tenants shall pay to the Landlord \$5,338.96 plus the lawful rent as it becomes due as follows:
 - The Tenants shall pay to the Landlord \$3,000.00 on or before April 26, 2023.
 - The Tenants shall pay to the Landlord \$500.00 on or before the 20th day of each consecutive month commencing May 2023 and continuing through August 2023.
 - The Tenants shall pay to the Landlord \$338.96 on or before September 20, 2023.
3. The Tenants shall also pay to the Landlord the lawful rent in full and on time for each consecutive month commencing May 2023 and continuing through September 2023.
4. In the event the Tenants fail to make the above said payment in full and on time, the entire balance of the amount set out in this Order will become due and payable forthwith under this Order. The Landlord shall be entitled to apply to the Board, no later than 30 days after a breach of this Order, without notice to the Tenants, for an Order terminating the tenancy and evicting the Tenants and for any arrears that become due after the date of this order, pursuant to Section 78 of the Residential Tenancies Act, 2006.

May 3, 2023

Date Issued

Greg Joy
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.