



Order under Section 69 Residential Tenancies Act, 2006

Citation: Canadian Legion Toronto Homes v Boualavong, 2023 ONLTB 34350

Date: 2023-05-02

File Number: LTB-L-052453-22

In the matter of: 7, 4717 BATHURST ST
NORTH YORK ON M2R1X1

Between: Canadian Legion Toronto Homes Landlord

And

Souriya Boualavong Tenant

2023 ONLTB 34350 (CanLIJ)

Canadian Legion Toronto Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Souriya Boualavong (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 29, 2023. Only the Landlord's legal representatives, S. Bickramsing and H. Jacobs attended the hearing.

I waited until after 1:30pm to call the matter, 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 \$280.08. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$9.21. This amount is calculated as follows: \$280.08 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 \$4,051.74.
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. As noted, the Tenant did not attend the hearing of this matter and thus I did not have the opportunity to hear their evidence regarding their circumstances. or to dispute the Landlord's application for an eviction order.
10. 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.
11. Although, the application was uncontested, at the outset of the hearing the Landlord requested a payment plan. As a payment plan is seemingly less prejudicial than a standard eviction order, in an effort to preserve the tenancy, I will grant the payment plan.

It is ordered that:

1. The Tenant shall pay to the Landlord \$4,237.74 for arrears of rent up to March 31, 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) Commencing April 15, 2023, the Tenant shall pay \$176.57 on or before the 15th day of each month, for a period of 23 months.
 - b) The Tenant shall pay 176.63 on or before April 15th, 2025.
3. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period April 1, 2023 to April 1, 2025, 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 March 31, 2023

May 2, 2023
Date Issued

Curtis Begg
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.