



## Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

**Citation:** Hastings Local Housing Corp. v Rankin, 2023 ONLTB 33840

**Date:** 2023-04-27 **File Number:**  
LTB-L-033498-22-RV

**In the matter of:** 240, 25 WELLINGTON CRES BELLEVILLE  
ON K8P4S6

**Between:** Hastings Local Housing Corp. Landlord

**And**

Jeanette Rankin Tenant

### Review Order

Hastings Local Housing Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Jeanette Rankin (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was resolved by order LTB-L-033498-22 issued on February 8, 2023.

On February 15, 2023, the Tenant requested a review of the order, alleging that she was not reasonably able to participate in the hearing held on January 31, 2023.

On February 16, 2023, Interim Order LTB-L-033498-22-RV-IN was issued, staying the order issued on February 8, 2023.

This request was heard in by videoconference on March 9, 2023.

The Landlord's agent, C. Lough, and the Tenant attended the hearing. The Tenant chose not to speak to Tenant Duty Counsel prior to the hearing.

### Determinations:

#### Review Request:

1. The Tenant did not attend the merits hearing for the Landlord's application on January 31, 2023, and a standard termination order was issued after the hearing.



2. The Tenant alleges that she was unable to get her phone to work properly on the day of the hearing. She said that she eventually managed to check in to the hearing room, but she was told that her matter had already been heard.

3. The Landlord's agent, C. Lough (CL), said that she received an email from a legal aid clinic out of on February 1, 2023, explaining that they had been contacted by the Tenant after she informed them she was unable to log on.
4. I find it more likely than not that the Tenant attempted to log on to the hearing held on January 31, 2023, and she was not reasonably able to participate because of a technical issue.
5. Consequently, the Tenant's request for a review was granted. The Landlord's application was heard *de novo*.

L1 Application:

6. It is undisputed that the Tenant owes \$3,815.00 arrears to March 31, 2023, plus the cost of the Landlord's filing fee of \$186.00, and \$60.00 for NSF charges, for a total of \$4,061.00 owed to the Landlord to March 31, 2023.
7. The Tenant's monthly rent went up to \$710.00 in May 2022, and then it decreased to \$380.00 again in September 2022. The Tenant only paid \$1,850.00 towards the rent after the Landlord filed the application in June 2022, until the day of this hearing.
8. The Tenant said that she was unaware that the rent was \$710.00 for a few months. She said that she has been paying the rent. It is undisputed that she paid the full rent on time in February and March 2023.
9. The Tenant said that her children will help her pay the arrears by giving her \$300.00 per month, and she will pay \$200.00 towards the arrears herself.
10. The Tenant said that her income is approximately \$1,150.00 per month from OAP and CPP.
11. The Tenant said that she has lived in the rental unit for 8 years, and she is unable to afford an alternative place to live.
12. The Landlord's agent, CL, said that the Tenant was well aware that the rent went up to \$710.00 for those months. She also said that the Tenant has had payment plans in the past that she has not honoured, and that she has a 4-year history of not paying the rent.



The Landlord submits that the original standard termination order is appropriate, and it should be reinstated.

13. I have considered all of the disclosed circumstances above in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including the impact of COVID-19 on the parties and I 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. In particular, I find that although the Tenant has a history of non-payment of the rent, she has clearly shown in the last few months that she understands what her obligations are in order to maintain her tenancy. It has been a longstanding tenancy, and the Tenant has sufficient income to pay the rent plus \$200.00 towards the arrears each month. She also said that she will be getting help from her family to pay \$300.00 each month, for a total of \$500.00 per month towards the arrears. Considering the length of time that the Tenant has lived in the rental unit, I find that it is fair to give her this last opportunity to maintain her tenancy in good standing. The payment plan will be completed in under a year.

out of

**It is ordered that:**

1. The request to review order LTB-L-033498-22 issued on February 8, 2023, is granted.
2. Order LTB-L-033498-22, issued on February 8, 2023, and Interim Order LTB-L-03349822-RV-IN, issued on February 16, 2023, are cancelled, and they are replaced by the following order.
3. The rent for April 2023 has now come due, and it will be included in the repayment plan.
4. The Tenant shall pay the Landlord arrears and costs of \$4,061.00 as follows:
  - (a) Commencing May 2023, and continuing for 8 months, up to and including, December 2023, \$500.00 on or before the 15<sup>th</sup> day of each of those months, respectively,
  - (b) The balance of \$61.00 on or before January 15, 2024.
5. The Tenant shall pay the monthly rent, in full, as follows:
  - (a) For April 2023, no later than April 30, 2023,
  - (b) Commencing May 2023, and continuing each month up to and including January 2024, the rent shall be paid no later than the first day of each of those months, respectively.
6. If the Tenant fails to make any one of the payments in accordance with paragraphs 4 and 5 of this order, the outstanding balance of any arrears of rent and costs to be paid by the Tenant to the Landlord shall become immediately due and owing and the Landlord may,



without notice to the Tenant apply to the Board 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. The Landlord shall make the application no later than 30 days after the Tenant fails to make a payment.

**April 27, 2023**

**Date Issued**

\_\_\_\_\_  
Nancy Morris

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.