



Order under Section 69 Residential Tenancies Act, 2006

Citation: Mutual Property Management v Jonathan Surman, 2023 ONLTB 32833

Date: 2023-04-27

File Number: LTB-L-054818-22

In the matter of: B215, 515 London Road Sarnia
ON N7T4X4

Between: Mutual Property Management Landlord

And

Jonathan Surman Tenant

Mutual Property Management (the 'Landlord') applied for an order to terminate the tenancy and evict Jonathan Surman (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on April 11, 2023. Only the Landlord's legal representative, C. McDonald, attended the hearing. As of 9:44 a.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 \$860.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$28.27. This amount is calculated as follows: \$860.00 x 12, divided by 365 days.
5. The rent arrears owing to April 30, 2023 are \$3,604.80

6. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
7. 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. The Landlord requested a payment plan in accordance with **File Number: LTB-L-054818-22**

the executed Advance Resolution Request submitted into evidence. I find it would not be unfair to impose the payment plan.

It is ordered that:

1. The Tenant shall pay to the Landlord \$3,790.80, which represents the arrears of rent and the application filing fee outstanding for the period ending April 30, 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:

Date Payment Due	Amount of Payment
April 15, 2023	\$379.08 (costs and arrears)
May 15, 2023	\$379.08 (arrears)
June 15, 2023	\$379.08 (arrears)
July 15, 2023	\$379.08 (arrears)
August 15, 2023	\$379.08 (arrears)
September 15, 2023	\$379.08 (arrears)
October 15, 2023	\$379.08 (arrears)
November 15, 2023	\$379.08 (arrears)
December 15, 2023	\$379.08 (arrears)
January 15, 2024	\$379.08 (arrears)

- (b) Commencing May 1, 2023, the Tenant shall also pay the Landlord the lawful rent in full, on or before the first day of each corresponding month for which the Tenant is in the arrears set out in paragraph 1.
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 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 **File Number:** LTB-L-054818-22

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 owing shall bear interest at the postjudgment interest rate determined under subsection 207(7) of the Act.

April 27, 2023

Date Issued

Camille Tancioco

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.