



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

Citation: JTS Properties Inc. v Fines, 2023 ONLTB 31404

Date: 2023-04-27

File Number: LTB-L-030968-22

In the matter of: 501, 80 SCOTT ST
BRAMPTON ON L6V1S4

Between: JTS Properties Inc. Landlord

And

Darryl Fines Tenant

JTS Properties Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Darryl Fines (the 'Tenant') because:

- the Tenant has been persistently late in paying the Tenant's rent.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on April 3, 2023.

The Landlord's representative, Sabrina Sciulli and the Tenant attended the hearing.

Determinations:

N8 Notice of Termination

1. On May 31, 2022, the Landlord gave the Tenant an N8 notice of termination. The notice of termination alleges that the Tenant has persistently failed to pay the rent on the date it was due. The rent is due on the first day of each month. The rent has been paid late 5 times in the past 12 months as indicated on the Notice of Termination and 5 times since the application was filed.

2. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
3. Relief from Eviction
4. 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.
5. The Landlord testified that they are not seeking eviction based on this application, however, are seeking a 24-month conditional order that the Tenant pays their rent on time.
6. The Tenant agreed that he has paid the rent late but did not have a choice as his work shuts down when there is a COVID outbreak which sets him back financially as he does not get paid if he does not work.
7. The Tenant also testified that she has a 16 year old daughter who lives with him and he has not received child tax benefit since she has been living with him. In addition, his girlfriend lives with him and is on a fixed income. He also does have leg, knee and ankle injuries but these injuries have not prevented him from working.
8. As the Landlord is not seeking to terminate the tenancy and the eviction is a remedy of last resort, I find that it is appropriate to grant a conditional order requiring the Tenant to pay rent on time for a period of twelve months.

It is ordered that:

1. The tenancy between the Landlord and the Tenant continues if the Tenant meets the conditions set out below.
2. Starting May 1, 2023 and continuing through April 30, 2024, the Tenant shall pay the monthly rent on or before the first day of each month.
3. If the Tenant fails to comply with the conditions set out in paragraph 2 of this order, 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. The Landlord must make the application within 30 days of a breach of a condition. This application is made to the LTB without notice to the Tenant.
4. The Tenant shall pay the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before May 8, 2023, they will start to owe interest. This will be simple interest calculated from May 9, 2023 at 6.00% annually on the balance outstanding.

File Number: LTB-L-030968-22

April 27, 2023

Date Issued

Camille Clyne

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction of the Tenant expires on November 2, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

