



Order under Section 69 Residential Tenancies Act, 2006

Citation: Venier Holdings Inc. v Britney Lund-Black, 2023 ONLTB 33401

Date: 2023-04-26

File Number: LTB-L-052786-22

In the matter of: 208-11 Thirty Third Street Etobicoke,
ON M8W 3G7

Between: Venier Holdings Inc . Landlord

And

Britney Lund-Black Tenants

Michael Black

Venier Holdings Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Britney Lund-Black and Michael Black (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on April 11, 2023.

Only the Landlord's Legal Representative David Strashin attended the hearing.

As of 9:21 am, the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$979.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$32.19. This amount is calculated as follows: \$979.00 x 12, divided by 365 days.

5. The Tenants have paid \$7,782.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$50.00.
7. The Landlord collected a rent deposit of \$912.00 from the Tenants and this deposit is still being held by the Landlord. The rent deposit can only be applied to the last rental period of the tenancy if the tenancy is terminated.

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8. Interest on the rent deposit, in the amount of \$89.26 is owing to the Tenants for the period from March 1, 2017 to April 11, 2023.

Section 83 Considerations

9. The Landlord's Legal Representative submitted that the Landlord and the Tenants had agreed to a repayment plan whereby the Tenants would pay the balance of the arrears by May 1, 2023, and the Tenants agreed to pay the lawful monthly rent on or before the 1st business day of the month starting May 1, 2023, until April 30, 2024.
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.

It is ordered that:

11. The Tenancy between the Landlord and the Tenants is persevered subject to the following conditions:
12. The Tenants shall pay to the Landlord \$50.00 for arrears of rent up to April 30, 2023.
13. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a) \$50.00 to be paid on or before May 1, 2023.
14. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing from May 1, 2023, until April 1, 2024.
15. If the Tenants fail 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 Tenants to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, apply to the LTB within 30 days of the Tenants' breach pursuant to section 78 of the Act for an order terminating the tenancy and

evicting the Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after April 30, 2023.

April 26, 2023

Date Issued

Jagger Benham

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.

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