



## Order under Section 69 Residential Tenancies Act, 2006

**Citation:** Simcoe County Housing Corporation v Niki Villanen, 2023 ONLTB 33292

**Date:** 2023-04-25

**File Number:** LTB-L-053833-22

**In the matter of:** 125-108 Burton Avenue  
Barrie, ON L4N 2R8

**Between:** Simcoe County Housing Corporation Landlord

**And**

Niki Villanen Tenant

Simcoe County Community Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Niki Villanen (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 representative Sonja Spozgaj attended the hearing.

As of 1:36 pm, 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 \$673.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$22.13. This amount is calculated as follows: \$673.00 x 12, divided by 365 days.
5. The Tenant has paid \$4,995.00 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$602.00.

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.

*Section 83 Considerations*

9. The Landlord's Legal Representative requested a payment plan whereby the Tenant would pay the regular monthly rent on time and in full and would pay \$130.00 on the 15<sup>th</sup> of each month until September 15, 2023, with a final payment of \$138.00 to be paid on October 15, 2023. The proposed payment plan is reasonable and will be ordered.
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 Tenant shall pay to the Landlord \$788.00 for arrears of rent up to April 30, 2023, and costs.
12. The Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
  - a) \$130.00 to be paid on or before the 15<sup>th</sup> of each month, starting May 15, 2023, until September 15, 2023.
  - b) \$138.00 to be paid on or before October 15, 2023.
13. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing from May 1, 2023, to October 1, 2023, or until the arrears are paid in full, whichever date is earliest.
14. 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 11 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 April 30, 2023.

**April 25, 2023**

**Date Issued**

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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.