



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

Citation: Centurion Property Associates Inc. v Akuete, 2023 ONLTB 32049

Date: 2023-04-25

File Number: LTB-L-052954-22

In the matter of: 303D-168 King Street North Waterloo,
ON N2J 0B8

Between: Centurion Property Associates Inc. Landlord

And

Samuel Akuete Tenant

Centurion Property Associates Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Samuel Akuete (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 29, 2023.

The Landlord's Legal Representative Robert Rose and the Tenant attended the hearing.

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 \$759.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$24.95. This amount is calculated as follows: \$759.00 x 12, divided by 365 days.
5. The Tenant has paid \$2,946.35 to the Landlord since the application was filed.
6. The rent arrears owing to March 31, 2023 are \$2,984.65.

7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord collected a rent deposit of \$759.00 from the Tenant 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.
9. Interest on the rent deposit, in the amount of \$20.33 is owing to the Tenant for the period from March 4, 2022 to March 29, 2023.

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Section 83 Considerations

10. The Tenant acknowledged the arrears and testified that he had financial issues due to the loss of his father last year.
11. The Tenant testified that he just started a new job and that he is selling his house in Nigeria, where he testified he was traveling to in April of 2022.
12. The Tenant testified that he could not pay any rent for April however, starting in May he would pay \$700.00 every two weeks in addition to the monthly rent paid on time and in full.
13. The Landlord's Legal Representative submitted that he was not authorized to accept the payment plan proposed by the Tenant.
14. Having reviewed the evidence of both parties, I find that the Tenant's repayment plan is reasonable and supported by his income in the circumstances.
15. 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:

16. The Landlord's application for eviction of the Tenant is denied on the following conditions:
17. The Tenant shall pay to the Landlord \$3,929.65, which represents the arrears of rent and the application filing fee outstanding for the period ending April 30, 2023.
18. The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 17 of this order:

Date Payment Due	Amount of Payment
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May 10, 2023	\$700.00 (arrears)
May 24, 2023	\$700.00 (arrears)
June 7, 2023	\$700.00 (arrears)
June 21, 2023	\$700.00 (arrears)
July 5, 2023	\$700.00 (arrears)
July 19, 2023	\$429.65 (costs and arrears)

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19. Commencing May 1, 2023, the Tenant shall also pay the Landlord the rent for the months of May 2023 up to and including July 2023 in full, on or before the first day of each corresponding month.

20. If the Tenant fails to make any of the payments in accordance with this order, 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 under paragraph 3 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 4 of this order.
- (b) The balance owing under paragraph 17 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

April 25, 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.

