



Order under Section 206 Residential Tenancies Act, 2006

Citation: HAMILTON EAST KIWANIS NP HOMES INC. v Gwanzura, 2023 ONLTB
32343

Date: 2023-04-20

File Number: LTB-L-020926-23

In the matter of: 30, 10 HIGHGATE DR
STONEY CREEK ON L8J3P7

Between: HAMILTON EAST KIWANIS NP HOMES INC. Landlord

And

Rubbie Gwanzura Tenant

HAMILTON EAST KIWANIS NP HOMES INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Rubbie Gwanzura (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord and the Tenant filed a written agreement with the LTB on April 12, 2023 to resolve the Landlord's application.

Determinations:

1. The agreement reached by the Landlord and the Tenant resolves the Landlord's application.
2. The agreement has been signed by the Landlord and the Tenant.
3. The agreement was filed with the LTB before the hearing for the Landlord's application.
4. As a result of this order, no hearing will be held.

Based on the parties' agreement, it is ordered that:

1. The Tenant shall pay the Landlord \$2,958.00, which includes: o \$2,772.00 for arrears owing up to April 30, 2023, and; o \$186.00 for the fee paid by the Landlord for filing the application.
2. The Tenant shall pay the amount set out in paragraph 1 according to the following schedule:

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1. \$800.00 on or before April 20, 2023.
 2. \$431.60 on or before May 31, 2023.
 3. \$431.60 on or before June 30, 2023.
 4. \$431.60 on or before July 31, 2023.
 5. \$431.60 on or before August 31, 2023.
 6. \$431.60 on or before September 30, 2023.
3. The Tenant shall also pay the Landlord the full rent on or before the first day of each month for the period from April 2023 up to and including September 2023 or until all arrears in paragraph 1 have been paid, whichever is sooner.
4. CONSEQUENCES OF BREACH: If the Tenant does not make any of the payments required in paragraphs 2 or 3 in full and on time:
- 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 1 of this order. The Landlord must make the application within 30 days of a breach of condition set out in paragraph 2 or 3. This normally results in the LTB issuing an eviction order without a hearing being held.

OR

- The Landlord may ask the LTB to reopen the application no later than 30 days after the Tenant's breach. This will result in a hearing at the LTB.
5. Either the Landlord or the Tenant can ask the LTB to reopen the application within 30 days of date this order is issued if they believe the other party forced them to enter into the agreement, or if the other party deliberately made false or misleading misrepresentations that had a material effect on the agreement and the order issued.

April 20, 2023

Date Issued

Michael Di Salle

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 1-888-3323234.

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