



Order under Section 69 Residential Tenancies Act, 2006

Citation: 5 Linwood Holdings v Adams, 2023 ONLTB 31456

Date: 2023-04-19

File Number: LTB-L-024555-22

In the matter of: 5, 5 LINNWOOD AVE
CAMBRIDGE ON N1R1V2

Between: 5 Linwood Holdings Landlord

And

Dallas Adams and Patricia Lutek

Tenant

5 Linwood Holdings (the 'Landlord') applied for an order to terminate the tenancy and evict Dallas Adams and Patricia Lutek (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes (L1); and because the Tenant has been persistently late paying rent (L2).

This application was heard by videoconference on April 4, 2023. The Landlord's representative Erli Bregu, and the Tenant, Dallas Adams, attended the hearing.

The Tenant requested an adjournment claiming that his computer died on March 25, 2023 and therefore he could not prepare for the hearing. Considering the fact the Landlord filed this application with the Board in April 2022, nearly one year ago, and the fact the Tenant does not dispute that amount owing to the Landlord, the request to adjourn was denied.

The parties agree the Tenants owe the Landlord \$7,323.27 in arrears and costs to the end of April 2023.

The Tenant requested a repayment plan which will pay the Landlord \$400.00 every Friday beginning April 7, 2023 and continuing until the balance is paid in full. These payments which equal \$1,600.00 monthly will see the Tenants paying the lawful monthly rent, which is currently \$1,188.73, with the balance going toward the arrears.

Considering the circumstances presented by the Tenant at the hearing and the fact this has been a 10-year tenancy, I find the request to be reasonable.

I also find the Tenants have been persistently late paying rent. This plan will see the Tenants paying the lawful rent in full and on time if the Tenants comply with the conditions as set out below.

At the hearing the Tenant was informed that the payments are to commence on April 7, 2023, before the order will be issued. The Tenant agreed that he understood the conditions which provide relief from eviction.

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At the hearing the Landlord also agreed to ensure the Tenants are served with a copy of this order.

It is ordered that:

1. The Tenants shall pay to the Landlord \$400.00 every Friday, commencing April 7, 2023, and continuing until the entire balance of \$7,323.37 is paid in full.
2. 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 a breach of this order.

April 19, 2023
Date Issued

Greg Joy
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.

