



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

Citation: Sara Humber v Marja Gravel, 2023 ONLTB 32019

Date: 2023-04-18

File Number: LTB-L-055053-22

In the matter of: 2, 1448 MARCEL ST
SUDBURY ON P3E4G6

Between: Sara Humber Landlord

And

Marja Gravel Tenants Rick Gravel

Sara Humber (the 'Landlord') applied for an order to terminate the tenancy and evict Marja Gravel and Rick Gravel (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

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

The Landlord and the Tenant, Rick Gravel attended the hearing.

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 was still in possession of the rental unit.
3. The lawful rent is \$898.75. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$29.55. This amount is calculated as follows: \$898.75 x 12, divided by 365 days.
5. The Tenants has paid \$4,498.75 to the Landlord since the application was filed.
6. The rent arrears owing to April 30, 2023 are \$4,357.35.
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 \$898.75 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.
9. Interest on the rent deposit, in the amount of \$6.22 is owing to the Tenants for the period from January 1, 2023 to April 11, 2023.

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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. This is also a longstanding tenancy of 18 years and the Tenant proposed a reasonable payment plan to preserve the tenancy.

It is ordered that:

1. The Tenants shall pay the Landlord \$4,543.35 as follows:
 - a) \$1,500.00 (arrears) on or before May 12, 2023;
 - b) \$1500.00 (arrears) on or before June 12, 2023; and
 - c) \$1543.35 (balance of arrears) on or before July 14 2023.
 - a)
2. The Tenants shall also pay the Landlord rent owing for the months of May 2023 to July 2023 no later than first day of each month or until the balance of arrears has been paid.
3. If the Tenants 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 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 Board 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 18, 2023

Date Issued

Sandra Macchione

Member, Landlord and Tenants 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.