



**Order under Section 206
Residential Tenancies Act, 2006**

Citation: Gauthier v White, 2023 ONLTB 31406
Date: 2023-04-13 **File Number:** LTB-L-056057-22

In the matter of: 2, 331 KINGSDALE AVE
KINGSTON ON K7M8G9

Between: Fernand Gauthier

2023 ONLTB 31406 (CanLII)
Landlord

And

Carrie White

Tenant

Fernand Gauthier (the 'Landlord') applied for an order to terminate the tenancy and evict Carrie White (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 February 28, 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 \$8,123.08, which includes:
 - o \$7,940.08 for arrears owing up to December 7, 2022.
 - 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:
3. The Tenants shall pay the amount set out in paragraph 1 according to the following schedule:
 - a) \$200.00 on or before the first of the month from January 1, 2023, to April 1, 2026 (40 months).
 - b) \$126.08 on or before May 1, 2026.
4. The Tenant shall also pay the Landlord the full rent on or before the **first** day of each **month** for the period from **January 2023** up to and including **May 2026** or until all arrears in paragraph 1 have been paid, whichever is sooner.
5. **CONSEQUENCES OF BREACH:** If the Tenant does not make any of the payments required in paragraphs 2 or 3 in full and on time:
 - 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 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

- b) 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.
6. 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 13, 2023

Date Issued

Camille Clyne

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.

2023 ONL TB 31406 (CanLII)