



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

Citation: Skyline Living v Stewart, 2023 ONLTB 30190

Date: 2023-04-13

File Number: LTB-L-026827-22

In the matter of: 72, 835 DEVINE ST
SARNIA ON N7T7P6

Between: Skyline Living Landlord

And

Annlea Stewart Tenant

Skyline Living (the 'Landlord') applied for an order to terminate the tenancy and evict Annlea Stewart (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 16, 2023.

The Landlord's employee M Ceglie and the Tenant attended the hearing. The Tenant was accompanied by Tenant Duty Counsel.

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 \$929.39. It is due on the 1st day of each month.
4. The Tenant has paid \$2,768.78 to the Landlord since the application was filed.
5. The rent arrears owing to January 31, 2023 are \$8,390.75.
6. The Landlord is entitled to \$220.00 to reimburse the Landlord for administration charges and \$0.00 for bank fees the Landlord incurred as a result of 11 cheques given by or on behalf of the Tenant which were returned NSF.

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 \$919.31 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.

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9. Interest on the rent deposit, in the amount of \$22.04 is owing to the Tenant for the period from February 1, 2022 to January 16, 2023.
10. The Landlord's representative said that the Landlord would consider a twelve month repayment plan.
11. The Tenant testified that she has regular employment and that she is the only occupant of the rental unit. The Tenant testified that she would like to maintain her tenancy and that she has attempted to contact the rent bank for assistance in paying the rental arrears.
12. 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. I find that a longer repayment plan does not significantly prejudice the Landlord.

It is ordered that:

1. The Tenant shall pay to the Landlord \$8,796.75 for arrears of rent up to January 31, 2023 and costs.
2. The Landlord's application for eviction of the Tenant is denied on the condition that:
 - a) The Tenant shall pay installments of **\$350.00** on or before the 15th day of the month for the twenty-four (24) month period commencing May 15, 2023 to April 15, 2025.
 - b) The remaining balance of **\$396.75** shall be paid on or before May 15, 2025.
 - c) The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period May 1, 2023 to May 1, 2025 or until the arrears are paid in full, whichever date is earliest.
3. If the Tenant fails to make any of the payments in accordance with paragraph 2, 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 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.

- b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the postjudgment interest rate determined under subsection 207(7) of the Act.

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

April 13, 2023
Date Issued

—
Heather Kenny
Member, Landlord and Tenant Board

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.