



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

**Citation:** InterRent Holdings Manager LP v Kasongo, 2023 ONLTB 29889

**Date:** 2023-04-12

**File Number:** LTB-L-052745-22

**In the matter of:** 8-2115 Baseline Road Ottawa,  
ON K2C 0C8

**Between:** InterRent Holdings Manager LP Landlord

**And**

Eliel Kasongo Tenant

InterRent Holdings Manager LP (the 'Landlord') applied for an order to terminate the tenancy and evict Eliel Kasongo (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 29, 2023.

Only the Landlord's Legal Representative Julie Lloyd attended the hearing.

As of 1:58 pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

**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 \$1,917.35. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$63.04. This amount is calculated as follows:  $\$1,917.35 \times 12$ , divided by 365 days.

- 5. The Tenant has paid \$1,879.00 to the Landlord since the application was filed.
- 6. The rent arrears owing to March 31, 2023 are \$17,387.20.
- 7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

**File Number:** LTB-L-052745-22

- 8. The Landlord collected a rent deposit of \$1,879.00 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.
- 9. Interest on the rent deposit, in the amount of \$49.42 is owing to the Tenant for the period from March 11, 2022 to March 29, 2023.

*Section 83 Considerations*

- 10. The Landlord's Legal Representative submitted that a payment plan for this matter was negotiated and agreed to by the Tenant however, the Tenant never attended the hearing. As such, the Landlord's Legal Representative requested the following payment plan.
- 11. 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.

**It is ordered that:**

- 12. The Landlord's application for eviction is denied on the condition that:
- 13. The Tenant shall pay to the Landlord \$17,573.20 in accordance the following payment schedule:

<b>Date Payment Due</b>	<b>Amount of Payment</b>
April 15, 2023	\$1,464.43
May 15, 2023	\$1,464.43
June 15, 2023	\$1,464.43
July 15, 2023	\$1,464.43
August 15, 2023	\$1,464.43
September 15, 2023	\$1,464.43

October 15, 2023	\$1,464.43
November 15, 2023	\$1,464.43
December 15, 2023	\$1,464.43
January 15, 2024	\$1,464.43
February 15, 2024	\$1,464.43
March 15, 2024	\$1,464.47

**File Number:** LTB-L-052745-22

2023 ONL/TB 29889 (CanLII)

14. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period starting April 1, 2023, to March 1, 2024, or until the arrears are paid in full, whichever date is earliest.
15. If the Tenant 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 Tenant to the Landlord pursuant to paragraph 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenant, apply to the LTB within 30 days of the Tenant's breach pursuant to section 78 of the Act for an order terminating the tenancy and evicting the Tenant and requiring that the Tenant pay any new arrears, NSF fees and related charges that became owing after March 31, 2023.

**April 12, 2023**

**Date Issued**

\_\_\_\_\_  
Jagger Benham

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.

