



## **Order under Section 78(6) Residential Tenancies Act, 2006**

**Citation:** Zhao v Levine, 2023 ONLTB 30998

**Date:** 2023-04-11

**File Number:** LTB-L-069984-22

**In the matter of:** 128 RIVERMILL CRESCENT  
VAUGHAN ON L6A0P7

<b>Between:</b>	Yang Zhao	Landlord
	<b>and</b>	
	Steven L. Levine	Tenant

Yang Zhao (the 'Landlord') applied for an order to terminate the tenancy and evict Stephen Levine (the 'Tenant') because the Tenant failed to meet a condition specified in the order issued by the Board on July 20, 2022 with respect to application LTB-L-0022454-21.

The Landlord's application was resolved by order LTB-L-069984-22 issued on January 23, 2023, without a hearing being held.

The Tenant filed a motion to set aside order LTB-L-069984-22. That motion was heard by video conference on March 2, 2023. Only the Tenant attended the hearing and the motion was resolved by order LTB-L-069984-22-SA issued on March 14, 2023, granting the Tenant's motion to set aside Order LTB-L-069984-22 issued on January 25, 2023 and replacing that order with a new set of terms.

The Landlord requested a review of order LTB-L-069984-22-SA on the basis that neither the Landlord nor the Landlord's representative received a Notice of Hearing, such that the Landlord was not reasonably able to participate in the hearing. Order LTB-L-069984-22-RV-IN was issued on March 17, 2023, staying orders LTB-L-069984-issued on January 25, 2023 and LTB-L-069984-22-SA issued on March 14, 2023 until otherwise ordered.

The Landlord's request to review order LTB-L-069984-22-SA was heard by video conference on April 4, 2023.

The Landlord, the Landlord's representative, J. Guo, the Tenant and the Tenant's representative, B. Altun, attended the hearing.

**Determinations:***Request for Review Granted*

1. I found, at the outset of the hearing, that the Landlord was not reasonably able to participate in the hearing of the Tenant's set aside motion on March 2, 2023.
2. I relied on the uncontroverted testimony of the Landlord and the Landlord's representative, and information in the Board's data base, in finding that neither the Landlord nor the Landlord's representative received either email or mail notification of the March 2, 2023 hearing. I noted that there was no record in the Board's data base of any notice having been sent to the Landlord and noted that the email address referenced for the Landlord's representative differed from the email address provided by the Landlord's representative to the Board prior to the issuance of the notice of hearing. The Board's data base now reflects the correct email address for the Landlord's representative but I find that it is more likely than not that the Board used an incorrect address for the issuance of the notice of hearing.

*Consent by the Parties*

3. After the substantive hearing had progressed for some time, and after some discussion both in the hearing room and in private, the parties consented to an order with the terms set out below.

**It is ordered that:**

1. Both order LTB-L-069984-22-SA issued on March 14, 2023 and order LTB-L-069984-22 issued on January 25, 2023 are cancelled and replaced with the following paragraphs 2 through 5.
2. The arrears and costs owing up to April 4, 2023 total \$21,911.00.
3. The Tenant shall pay to the Landlord \$21,911.00 as follows:
  - a) \$400.00 on or before April 15, 2023;
  - b) \$3,400.00 on or before May 1, 2023;
  - c) \$400.00 on or before the 15<sup>th</sup> of each month commencing May 15, 2023 to January 15, 2027; and
  - d) \$111.00 on or before February 15, 2027.
4. The Tenant shall also pay to the Landlord the lawful monthly rent (which, as of May 1, 2023 will be \$3,075.00) as it comes due in full on or before the first day of each month commencing May 1, 2023 through to the earliest of February 1, 2027 or the day on which the full \$21, 911.00 has been repaid,
5. If the Tenant fails to make any payment set out in paragraphs 3 and 4 of this order, the Landlord may, without notice to the Tenant and within 30 days of the breach, apply to the

Board pursuant to section 78 of the *Residential Tenancies Act, 2006* (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 April 4, 2023.

**April 11, 2023**

**Date Issued**

---

Lynn Mitchell

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.