



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

**Citation:** CACOELI LIVING INC. v Rankine, 2023 ONLTB 30542

**Date:** 2023-04-11

**File Number:** LTB-L-040884-22

**In the matter of:** B4, 158 HEIMAN ST  
KITCHENER ON N2M3L9

**Between:** CACOELI LIVING INC. Landlord

**And**

Bill Rankine and Michelle Brule Tenants

CACOELI LIVING INC. (the 'Landlord') applied for an order to terminate the tenancy and evict Bill Rankine and Michelle Brule (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on February 27, 2023.

Only the Landlord's representative L Nadon attended the hearing.

As of 9:28 am, the Tenants were 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 Tenants with a valid Notice to End Tenancy Early for Non-payment 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 were still in possession of the rental unit.
3. The lawful rent is \$1,504.14. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$49.45. This amount is calculated as follows: \$1,504.14 x 12, divided by 365 days.
5. The Tenants have paid \$900.00 to the Landlord since the application was filed.
6. The rent arrears owing to February 28, 2023 are \$13,332.90.
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 \$1,486.32 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 \$42.17 is owing to the Tenants for the period from July 4, 2021 to February 27, 2023.
10. The Landlord's representative said that the Landlord had been in contact with the Tenants and that the Tenants had agreed to pay \$2,000.00 (which represents regular monthly rent and an additional payment of \$495.86) every month from April 1, 2023 to August 1, 2023, and that the balance of the arrears would be paid on or before August 31, 2023.
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:**

1. The Tenants shall pay the Landlord **\$13,518.90**, which represents the arrears of rent and costs outstanding for the period ending February 28, 2023.
2. The Landlord's application for eviction of the Tenants is denied on the condition that:
  - (a) The Tenants shall pay regular monthly rent of **\$1504.14** plus **\$495.86** towards the rent arrears on or before the first day of every month from April 1, 2023 to August 1, 2023.
  - (b) The remaining balance of **\$11,039.60** shall be paid on or before August 31, 2023.
3. If the Tenants fail 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 Tenants 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 post-judgment interest rate determined under subsection 207(7) of the Act.

**April 11, 2023**  
Date Issued

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Heather Kenny  
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.

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