



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

Citation: Mazzuca v Mckay, 2023 ONLTB 30366

Date: 2023-04-11

File Number: LTB-L-053572-22

In the matter of: U2, 55 WEST AVE S
HAMILTON ON L8N2S2

Between: Ryan Mazzuca and Landlord
Scott Pattinson

And

Marion Mckay Tenant

CSP, Ryan Mazzuca and Scott Pattinson (the 'Landlord') applied for an order to terminate the tenancy and evict Marion Mckay (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 30, 2023.

One of the Landlord, Ryan Mazzuca, attended the hearing.

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 \$1,200.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$39.45. This amount is calculated as follows: \$1,200.00 x 12, divided by 365 days.

5. The Tenant has paid \$5,100.00 to the Landlord since the application was filed.
6. The rent arrears owing to March 31, 2023 are \$5,750.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. There is no last month's rent deposit.

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9. At the hearing the Landlord advised the Board, that the parties had arrived at a repayment plan and submitted a copy of the signed repayment plan to the Board. The Landlord requested a consent order incorporating said payment arrangement as discussed with the Tenant. As the Tenant was not present at the hearing, this request is denied.
10. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including that the Landlord is amenable to the repayment plan that provides the Tenant additional time to pay the arrears, and I find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
11. I have considered all of the evidence presented at the hearing and all of the oral testimony and although I may not have referred to each piece of evidence individually or referenced all of the testimony, I have considered it when making my determinations.
12. This order contains all reasons for the determinations and order made. No further reasons will be issued.

It is ordered that:

1. The Tenant shall pay to the Landlord \$5,936.00, which represents the arrears of rent and costs outstanding for the period ending March 31, 2023 upon the following terms:
2. The Tenant shall pay to the Landlord the amount set out in paragraph 1 of this order in accordance with the following schedule:

Tenant shall pay this amount:	Tenant shall pay on or before this day:
\$400.00	April 1, 2023

\$400.00	May 1, 2023
\$400.00	June 1, 2023
\$400.00	July 1, 2023
\$400.00	August 1, 2023
\$400.00	September 1, 2023
\$600.00	October 1, 2023
\$600.00	November 1, 2023

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\$600.00	December 1, 2023
\$600.00	January 1, 2024
\$600.00	February 1, 2024
\$536.00	March 1, 2024

3. Commencing on April 1, 2023 and continuing for the duration of the outstanding arrears, the Tenant shall also pay to the Landlord new rent in full on or before the first day of each month.
4. If the Tenant fails to make any of the payments in accordance with paragraph 1 of this order, 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 1 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

Greg Brocanier

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.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on October 23, 2023 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

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