



Order under Section 69 Residential Tenancies Act, 2006

Citation: 74 Shepherd Street Holdings Corp. v Leng, 2023 ONLTB 27828

Date: 2023-04-06

File Number: LTB-L-046318-22

In the matter of: 15, 74 SHEPHERD ST W
WINDSOR ON N8X1B9

Between: 74 Shepherd Street Holdings Corp. Landlord

And

Kimmy Leng Tenants
Mario Dominguez

74 Shepherd Street Holdings Corp. (the 'Landlord') applied for an order to terminate the tenancy and evict Kimmy Leng and Mario Dominguez (the 'Tenants') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 13, 2023.

Only the Landlord's Legal Representative Kelly Hawkes attended the hearing.

As of 1:31 p.m., 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 Nonpayment 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$701.46. It is due on the first day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$23.06. This amount is calculated as follows: \$701.46 x 12, divided by 365 days.
5. The Tenants have paid \$4,506.00 to the Landlord since the application was filed.
6. The rent arrears owing to March 31, 2023 are \$1,676.80.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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8. Although the Tenants were not present at the hearing the Landlord was in agreement with offering one last chance for the Tenants to repay all arrears owing.
9. 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.
10. **The Tenants should be aware that all of the rent and arrears payments due dates are all “on or before” the date specified meaning that the Tenants must make sure that these payments are made by that date. The Tenant must also make sure that the payments are made in full by the due date. If the Tenants are late with a payment, does not make a payment or only makes a partial payment the Landlord can file paperwork with the Board that, if correct, would result in an order for eviction. If there may be an issue, the Tenants are encouraged to contact the Landlord prior to the default.**

It is ordered that:

1. The Tenants shall pay to the Landlord \$1,862.80 for arrears of rent up to March 31, 2023 and costs.
2. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 - a. On or before April 15, 2023 an amount of \$621.00;
 - b. On or before May 15, 2023 an amount of \$621.00; and
 - c. On or before June 15, 2023 an amount of \$620.00.

3. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period April 1, 2023 to June 1, 2023, or until the arrears are paid in full, whichever date is earliest.

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4. If the Tenants fail 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 6, 2023

Date Issued

Robert Patchett

Vice Chair, 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 18, 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.