

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

Citation: Housing v Ntambwe, 2023 ONLTB 28820

Date: 2023-04-05

File Number: LTB-L-025837-22

In the matter of: 250 PRINCE ALBERT ST
OTTAWA ON K1K1Z5

Between: Ottawa Community Housing Landlord

And

Mariamou Ntambwe Tenant

Ottawa Community Housing (the 'Landlord') applied for an order to terminate the tenancy and evict Mariamou Ntambwe (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on September 1, 2022.

The Landlord's representative, Beth Cummings and the Tenant 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 \$1,167.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$38.37. This amount is calculated as follows: \$1,167.00 x 12, divided by 365 days.
5. The Tenant has paid \$2,884.50 to the Landlord since the application was filed.
6. The rent arrears owing to the date of the hearing including the application cost of \$186.00 is \$3,515.37.
7. 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.

8. This was based on the disclosed, on-going financial prejudice the Landlord faces, while also balancing the disclosed circumstances of the Tenant.

It is ordered that:

1. The Tenant shall pay to the Landlord \$11,684.37, which represents the arrears of rent (\$11,498.37) and costs (\$186.00) outstanding for the period ending April 30, 2023.
2. The Landlord’s application for eviction of the Tenant is denied on the condition that:
 - a) The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:

| Date Payment Due | Amount of Payment |
|--|-------------------|
| 15th day of each month, for 11 months, starting May 2023 | \$1,000.00 |
| April 15th, 2024 | \$684.37 |

- b) The Tenant shall also pay the Landlord the rent for the months of April 2023 up to and including April 2024, in full, on or before the first day of each month.
3. If the Tenant fails 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 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 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 5, 2023
Date Issued

 Stephanie Kepman
 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.

Schedule 1
SUMMARY OF CALCULATIONS

A. Amount the Tenant must pay

| | |
|---|--------------------|
| Rent Owing To Hearing Date | \$6,213.87 |
| Plus October 2022 until April 30, 2023 | \$8,169.00 |
| Less the amount the Tenant paid to the Landlord since the application was filed | - \$2,884.50 |
| Application Filing Fee | \$186.00 |
| Total the Tenant must pay | \$11,684.37 |