



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

Citation: Capreit Limited Partnership v Northover, 2023 ONLTB 28526

Date: 2023-03-31

File Number: LTB-L-072259-22

In the matter of: PH04, 201 WHITE OAKS CRT WHITBY
ON L1P1A2

Between: Capreit Limited Partnership Landlord

And

Leonard Northover Tenant

Capreit Limited Partnership (the 'Landlord') applied for an order to terminate the tenancy and evict Leonard Northover (the 'Tenant') and for an order to have the Tenant pay the rent the Tenant owes because the Tenant failed to meet a condition specified in the order by the LTB on October 3, 2022 with respect to application LTB-L-002482-22.

The Landlord's application was resolved by order LTB-L-072259-22, issued on January 13, 2023. The Tenant filed a motion to set aside order LTB-L-072259-22, issued on January 13, 2023.

This motion was heard by videoconference on March 20, 2023.

The Landlord's representative N. Sharma and the Tenant attended the hearing. At the hearing, the parties consented to the following order:

It is ordered that:

1. Order LTB-L-072259-22, issued on January 13, 2023, is set aside.
2. Order LTB-L-002482-22, issued on October 3, 2022 is cancelled and replaced with the following:
3. The parties agree that the total of arrears owing up to March 31, 2023 is \$5,322.12
4. The Tenant shall pay to the Landlord the arrears amount set out in paragraph 3 as follows:

- (i) The Tenant will make 20 equal payments to the Landlord in the amount of \$250, on or before each of the following dates:

-March 23, 2023
-March 30, 2023
-April 13, 2023

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-April 27, 2023
-May 11, 2023
-May 25, 2023
-June 8, 2023
-June 22, 2023
-July 6, 2023
-July 20, 2023
-August 3, 2023
-August 17, 2023
-August 31, 2023
-September 14, 2023
-September 28, 2023
-October 12, 2023
-October 26, 2023
-November 9, 2023
-November 23, 2023
-December 7, 2023

- (ii) The final payment will be in the amount of \$322.12 and will be paid by the Tenant to the Landlord on or before December 21, 2023.

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

March 31, 2023

Date Issued

Peter Nicholson

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor,
Toronto ON M7A 2G6

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