



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

Citation: STARLIGHT CANADIAN RESIDENTIAL GROWTH FUND II v Jackson, 2023 ONLTB
28012

Date: 2023-03-27

File Number: LTB-L-042562-22

In the matter of: 302-877 KENNEDY RD
SCARBOROUGH ON M1K2E9

Between: STARLIGHT CANADIAN RESIDENTIAL Landlord
GROWTH FUND II

And

Joycelyn Jackson Tenant

STARLIGHT CANADIAN RESIDENTIAL GROWTH FUND II (the 'Landlord') applied for an order to terminate the tenancy and evict Joycelyn Jackson (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

The Landlord also claimed charges related to NSF cheques.

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

The Landlord's Legal Representative Sofia Enriquez and the Tenant attended the hearing. The Tenant met with Tenant Duty Counsel prior to 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 \$1,815.27. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$59.68. This amount is calculated as follows: \$1,815.27 x 12, divided by 365 days.
5. The Tenant has not made any payments since the application was filed.
6. The rent arrears owing to February 28, 2023 are \$16,818.52.
7. The Landlord is entitled to \$60.00 to reimburse the Landlord for administration charges and \$15.00 for bank fees the Landlord incurred as a result of 2 cheque given by or on behalf of the Tenant which was returned NSF.

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8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
9. The Landlord collected a rent deposit of \$1,793.26 from the Tenant 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.
10. Interest on the rent deposit, in the amount of \$3.91 is owing to the Tenant for the period from January 31, 2023 to February 27, 2023.

Section 83 Considerations

11. The Tenant acknowledged the arrears and testified that she is a personal support worker and has applied for work whereby she would work approximately 12 hours per day. She testified that her income is \$4,500.00 per month.
12. She testified that her son plans on moving into the unit with her and has an income of approximately \$4,000.00 per month and testified that she has applied to rent bank and believes she could get approximately \$4,000.00 by the end of March to pay towards the arrears.
13. The Tenant further suggested that she would be willing to pay her rent plus an additional \$1,500.00 per month.
14. Based on my assessment of the Tenant's income, I find this request to be reasonable in the circumstances.
15. 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:

16. The Tenant shall pay to the Landlord \$17,079.52 as follows:

- a) On or before the 1st of each month, starting April 1, 2023, until February 1, 2024, in addition to the regular lawful rent the Tenant shall pay \$1,500.00 towards the arrears of rent.
- b) A final payment of \$579.52 to be paid on or before March 1, 2024.

17. If the Tenant does not make the payments as outlined in paragraph 16 in accordance with this order, the Landlord may apply to the Board under s. 78 of the Act without notice to the Tenant for an order terminating the tenancy and evicting the Tenant.

18. The Landlord must make this application no later than 30 days after the Tenant's failure to make a payment. As part of this application, the Landlord can also request an order for new arrears, NSF cheque fees and related administrative charges and the cost of filing the application.

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March 27, 2023

Date Issued

Jagger Benham

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.

