



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

**Citation:** Starlight Blackstar Opco Ltd. v Hall, 2023 ONLTB 28004

**Date:** 2023-03-27

**File Number:** LTB-L-041222-22

2023 ONLTB 28004 (CanLII)

**In the matter of:** 0408-1862 Bathurst Street  
Toronto, ON M5P 3K8

**Between:** Starlight Blackstar Opco Ltd. Landlord

**And**

Shenene Hall Tenant

Starlight Blackstar Opco Ltd. (the 'Landlord') applied for an order to terminate the tenancy and evict Shenene Hall (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 Debra Fine 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 \$1,830.70. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$60.19. This amount is calculated as follows: \$1,830.70 x 12, divided by 365 days.

5. The Tenant has paid \$7,200.00 to the Landlord since the application was filed.
6. The rent arrears owing to February 28, 2023 are \$14,809.30.
7. The Landlord is entitled to \$40.00 to reimburse the Landlord for administration charges and \$10.00 for bank fees the Landlord incurred as a result of 2 cheques given by or on behalf of the Tenant which was returned NSF.
8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

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9. The Landlord collected a rent deposit of \$1,809.00 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 \$60.12 is owing to the Tenant for the period from April 24, 2021 to February 27, 2023.

### *Section 83 Considerations*

11. The Tenant acknowledged the arrears and testified that she fell into difficult financial circumstances as a result of her brother passing away in December of 2021 and having been out of work. The Tenant testified that she is now employed with the Toronto Transit Commission as of October 2022 and started working with them in January.
12. The Tenant has proposed a payment plan whereby she intended on paying her regular rent plus and additional \$1,500.00 per month to be paid towards her arrears. While the Landlord rejected the proposed payment plan, I find the terms to be reasonable in the circumstances.
13. 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:**

14. The Tenant shall pay to the Landlord \$14,809.30 as follows:
  - a) On or before the 1<sup>st</sup> of each month, starting April 1, 2023, until December 1, 2023, in addition to the regular lawful rent the Tenant shall pay \$1,500.00 towards the arrears of rent.

b) A final payment of \$1,309.30 to be paid on or before January 1, 2024.

15. If the Tenant does not make the payments as outlined in paragraph 14 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.

16. 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.

**March 27, 2023**

**Date Issued**

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**Jagger Benham**

Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor  
Toronto ON M7A 2G6

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If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.