



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

**Citation:** Parkdale Apartment Nominee 2 Inc. v Foster, 2023 ONLTB 26168

**Date:** 2023-03-24

**File Number:** LTB-L-035529-22

**In the matter of:** 201, 47 SPENCER AVE  
TORONTO ON M6K2K2

**Between:** Parkdale Apartment Nominee 2 Inc. Landlord

**And**

Becky Foster Tenant

Parkdale Apartment Nominee 2 Inc. (the 'Landlord') applied for an order to terminate the tenancy and evict Becky Foster (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on January 31, 2023.

**Determinations:**

The Landlord's representative Sabrina Sciulli and the Tenant attended the hearing.

1. The Landlord filed an application for rent arrears on June 26, 2022. At this time the arrears owing were \$17,534.16, this amount included the application filing fee.
2. The Tenant submitted to the Board documents establishing that on January 27, 2023 she filed for a Consumer proposal under the Bankruptcy and Insolvency Act (BIA).
3. The arrears claimed by the Landlord arose prior to the filing of the Consumer Proposal. The arrears owing from June 1, 2022 – January 31, 2023 in the amount of \$21,076.92. This amount included the application fee.
4. The BIA states:

**69.2(1)** on the filing of a consumer proposal under subsection 66.13(2) or of an amendment to a consumer proposal:

no creditor has any remedy against the debtor or the debtor's property, or shall commence or continue any action, execution or other proceedings, for the recovery of a claim provable in bankruptcy until

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**(a)**the consumer proposal or the amended consumer proposal, as the case may be, has been withdrawn, refused, annulled or deemed annulled; or

**(b)**the administrator has been discharged.

5. Section 121(1) of the BIA defines "claims provable in bankruptcy" as:

All debts and liabilities, present or future, to which the bankrupt is subject on the day on which the bankrupt becomes bankrupt or to which the bankrupt may become subject before the bankrupt's discharge by reason of any obligation incurred before the day on which the bankrupt becomes bankrupt

6. Therefore, the arrear of rent that were owing as of the date the Tenant filed the Consumer Proposal are claims provable in bankruptcy and subject to the BIA stay. The Board cannot issue an order with respect to the claimed arrears.
7. The Landlord's representative advised the Board that his client has not received a copy of this proposal or stay and was not served by the Tenant prior to the hearing with these documents.

**It is ordered that:**

8. The application is stayed.

**March 24, 2023** \_\_\_\_\_ **Date Issued**

Maria Shaw

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.