



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

Citation: BARRIE HOUSING v Porter, 2023 ONLTB 26119

Date: 2023-03-17

File Number: LTB-L-044590-22

In the matter of: 110, 20 GOLFDAL RD BARRIE
ON L4N6S5

Between: BARRIE HOUSING Landlord

And

Jacob Porter and Tandra Mathers Tenants

BARRIE HOUSING (the 'Landlord') applied for an order to terminate the tenancy and evict Jacob Porter and Tandra Mathers (the 'Tenants') because the Tenants did not pay the rent that the Tenants owes.

This application was heard by videoconference on March 2, 2023.

At the time of the hearing only the Landlord's Agent Angeleka Daley was in the hearing room. The Tenant Tandra Mathers called into the hearing room at 11:18a.m. but at that point the hearing had already concluded.

Determinations:

1. The Landlord served the Tenants with a valid Notice to End Tenancy Early for Nonpayment of Rent (N4 Notice). The Tenants 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 Tenants were still in possession of the rental unit.
3. The lawful rent is \$1,197.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$39.35. This amount is calculated as follows: \$1,197.00 x 12, divided by 365 days.
5. The Tenants have paid \$7,772.00 to the Landlord since the application was filed.

6. The rent arrears owing to March 31, 2023 are \$1,970.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.
8. The Landlord's Representative requested that relief from eviction be granted in the form of a repayment plan. The parties signed a repayment plan on February 28, 2023. I declined to issue a consent order in accordance with that plan because the agreement had no

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enforcement clause, and the amount of outstanding arrears was different by the time of the hearing. However, the spirit of the agreement was the arrears would be paid off in \$100.00 payments monthly.

9. 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:

1. The Tenants shall pay to the Landlord \$2,156.00 for arrears of rent up to March 31, 2023 and costs.
2. The Tenants shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:
 1. On or before March 25, 2023 a payment of \$100.00;
 2. On or before April 20, 2023 a payment of \$100.00;
 3. On or before May 20, 2023 a payment of \$100.00;
 4. On or before June 20, 2023 a payment of \$100.00;
 5. On or before July 20, 2023 a payment of \$100.00;
 6. On or before August 20, 2023 a payment of \$100.00;
 7. On or before September 20, 2023 a payment of \$100.00;
 8. On or before October 20, 2023 a payment of \$100.00;

9. On or before November 20, 2023 a payment of \$100.00;
10. On or before December 20, 2023 a payment of \$100.00;
11. On or before January 20, 2024 a payment of \$100.00;
12. On or before February 20, 2024 a payment of \$100.00;
13. On or before March 20, 2024 a payment of \$100.00;
14. On or before April 20, 2024 a payment of \$100.00;
15. On or before May 20, 2024 a payment of \$100.00;
16. On or before June 20, 2024 a payment of \$100.00;

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17. On or before July 20, 2024 a payment of \$100.00;
 18. On or before August 20, 2024 a payment of \$100.00;
 19. On or before September 20, 2024 a payment of \$100.00;
 20. On or before October 20, 2024 a payment of \$100.00;
 21. On or before November 20, 2024 a payment of \$100.00;
 22. On or before December 20, 2024 a final payment of \$56.00.
3. The Tenants shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period April 2023 to March 2024, or until the arrears are paid in full, whichever date is earliest.
 4. If the Tenants fail 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 1 of this order shall become immediately due and owing and the Landlord may, without notice to the Tenants, 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 Tenants and requiring that the Tenants pay any new arrears, NSF fees and related charges that became owing after March 31, 2023.

March 17, 2023

Date Issued

_____ Amanda Kovats

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.

2023 ONL TB 26119 (CanLII)