



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

Citation: Brites v Frink, 2023 ONLTB 26234

Date: 2023-03-16

File Number: LTB-L-042709-22

In the matter of: 2, 877 Division
Kingston ON K7K4C5

Between: Beatriz Brites Landlord

And

Jessica Frink Tenant

Beatriz Brites (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Frink (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on February 28, 2023. The Landlord and the Tenant attended the hearing. The Landlord was assisted by her son Jose Brites.

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 \$926.00. It is due on the 1st day of each month.
4. Based on the Monthly rent, the daily rent/compensation is \$30.44. This amount is calculated as follows: \$926.00 x 12, divided by 365 days.
5. The Tenant has paid \$5,848.00 to the Landlord since the application was filed.
6. The rent arrears owing to February 28, 2023, are \$2,330.00.
7. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

8. There is no last month's rent deposit.

Section 83 Considerations

9. The Tenant does dispute the amount of rent arrears. The issue before the Board is whether it is appropriate to grant relief from eviction pursuant to s.83 of the *Residential Tenancies Act 2006*, (the 'Act')

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10. According to s. 83 of the Act when the Board hears an application for an order evicting a tenant, the Board must consider whether there are any circumstances that support granting relief from eviction.

11. The Tenant proposed to pay \$200.00 per month toward the rent arrears. The Landlord does not believe the Tenant will be able to comply with the requested payment plan.

12. I find that it would not be unfair to grant the Tenant's request. While I share some of the Landlord's concerns, the Tenant's payment plan seems realistic and not unduly lengthy.

It is ordered that:

1. The Tenant shall pay to the Landlord \$2516.00, which represents the arrears of rent and costs outstanding for the period ending February 28, 2023.
2. The Landlord's application for eviction is denied on the condition Tenant shall pay to the Landlord the amount set out in paragraph 1 in accordance with the following schedule:

Date Payment Due	Payment Amount
April 20, 2023	\$200.00
May 20, 2023	\$200.00
June 20, 2023	\$200.00
July 20, 2023	\$200.00
August 20, 2023	\$200.00
September 20, 2023	\$200.00
October 20, 2023	\$200.00
November 20, 2023	\$200.00
December 20, 2023	\$200.00
January 20, 2024	\$200.00

February 20, 2024	\$200.00
March 20, 2024	\$200.00
April 20, 2024	\$116.00

3. The Tenant shall pay rent for the period March 01, 2023, to March 31, 2023, on or before March 20, 2023.
4. The Tenant shall also pay to the Landlord new rent on time and in full as it comes due and owing for the period April 01, 2023, to April 30, 2024, or until the arrears are paid in full, whichever date is earliest.
5. 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 1 of this order shall become immediately due and owing
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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 February 28, 2023.

March 16, 2023 _____ **Date Issued**

Bryan Delorenzi

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.