



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

**Citation:** BARRIE HOUSING v Hickey, 2023 ONLTB 25562

**Date:** 2023-03-15

**File Number:** LTB-L-044366-22

**In the matter of:** 203, 191 EDGEHILL DR BARRIE  
ON L4N1L9

**Between:** BARRIE HOUSING Landlord

**And**

Mark Hickey Tenant

BARRIE HOUSING (the 'Landlord') applied for an order to terminate the tenancy and evict Mark Hickey (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on March 1, 2023.

Only the Landlord's agent attended the hearing.

As of 3:42 pm, the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the LTB. There was no record of a request to adjourn the hearing. As a result, the hearing proceeded with only the Landlord's evidence.

**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 \$985.00. It is due on the 1st day of each month.

4. Based on the Monthly rent, the daily rent/compensation is \$32.38. This amount is calculated as follows: \$985.00 x 12, divided by 365 days.
5. The Landlord's agent said she discussed the arrears with the Tenant on Friday, February 24, 2023 and the parties agreed to a payment plan in an attempt to preserve the tenancy.
6. The rent arrears owing to March 31, 2023 are \$3,288.00.
7. The Tenant paid rent for March 2023.

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8. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs. The Landlord's agent said she will work independently with the Tenant to discuss the arrears.
9. The Landlord collected a rent deposit of \$914.00 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 \$85.89 is owing to the Tenant for the period from March 17, 2017 to March 1, 2023.
11. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), including that the Landlord is amenable to the repayment plan that provides the Tenant additional time to pay the arrears, and I find that it would not be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act.
12. This order contains all reasons for the determinations and order made. No further reasons will be issued.

**It is ordered that:**

1. The Tenant shall pay to the Landlord \$3,288.00, which represents the arrears of rent for the period ending March 31, 2023 as follows:
  - a) \$300.00 on or before the 1<sup>st</sup> of each month commencing April 2023 through to and including January 2024;
  - b) \$288.00 on or before February 1, 2024.
2. Commencing April 1, 2023 and continuing for the duration of the outstanding arrears, the Tenant shall also pay to the Landlord new rent in full on or before first business day of each month.

3. If the Tenant fails to make any of the payments in accordance with paragraph 1 of this order, then:

- a) The Landlord may apply under section 78 of the Residential Tenancies Act, 2006 (the 'Act') for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 1 of this order.
- b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

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**March 15, 2023**

**Date Issued**

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Dana Wren

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.