



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

Citation: Lee Roy v Freeman, 2023 ONLTB 21589

Date: 2023-02-22

File Number: LTB-L-025475-22

In the matter of: 3, 190 AVALON PL
KITCHENER ON N2M4N8

Between: Lee Roy Landlord

And

Adam Adam and Makenzie Freeman Tenants

Lee Roy (the 'Landlord') applied for an order to terminate the tenancy and evict Adam Adam and Makenzie Freeman (the 'Tenants') because the Tenants did not pay the rent that the Tenants owe.

This application was heard by videoconference on January 5, 2023.

The Landlord was represented at the hearing by Steven Jackson. The Tenant, Makenzie Freeman.

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 \$1,200.00. It is due on the 1st day of each month.
4. The rent arrears owing to January 31, 2023 are \$8420.00
5. The Landlord incurred costs of \$186.00 for filing the application and is entitled to reimbursement of those costs.

Relief from Eviction

8. The Tenants do not 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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9. 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.
10. The Tenants have proposed to pay \$500.00 monthly toward the rent arrears. The Landlord does not believe the Tenants will be able to maintain the monthly payments toward arrears.
11. I find the quantum of the arrears is manageable, and Ms. Freeman has presented herself here today to participate in the proceedings, that she is motivated to continue her tenancy and should be given the opportunity to do so.
12. In granting the Tenants' payment plan, I am not discounting the Landlord's concerns. Given the Tenant's Proposed payment plan, and the consequences associated any breach, the Landlord should no longer have to worry about chasing the Tenants for rent.
13. I have considered all the disclosed circumstances in accordance with subsection 83(2) of the Act and find that it would not be unfair to grant relief from eviction subject to the condition(s) 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 \$8,606.00 for arrears of rent up to January 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:

Date Payment Due	Payment Amount
April 01, 2023	\$500.00
May 01, 2023	\$500.00
June 01, 2023	\$500.00
July 01, 2023	\$500.00
August 01, 2023	\$500.00
September 01, 2023	\$500.00

October 01, 2023	\$500.00
November 01, 2023	\$500.00
December 01, 2023	\$500.00
January 01, 2024	\$500.00
February 01, 2024	\$500.00
March 01, 2024	\$500.00
April 01, 2024	\$500.00
May 01, 2024	\$500.00
June 01, 2024	\$500.00
July 01, 2024	\$500.00

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Date Payment Due	Payment Amount
August 01, 2024	\$500.00
September 01, 2024	\$106.00

3. If the Tenants have not paid the rent for February 2023 they shall do so by February 28, 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 March 01, 2023, to September 01, 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 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 date arrears run to.

February 22, 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.

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